



# भारत का राजपत्र The Gazette of India

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NEW DELHI, SATURDAY, JANUARY 11, 1997/PAUSA 21, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलन संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

वित्त मंत्रालय  
(आर्थिक कार्य विभाग)  
(बैंकिंग प्रभाग)

MINISTRY OF FINANCE  
(Department of Economic Affairs)  
(Banking Division)

New Delhi, the 27th December, 1996.

नई दिल्ली, 27 दिसम्बर, 1996

का.आ. 47—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध)  
स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित  
बककारी कंपनी (उपक्रमों का अर्जन एवं अन्तरण) अधिनियम,  
1980 की धारा 9 की उपधारा 3 के खण्ड (ख) द्वारा  
प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, एतद्वारा  
श्री सुधीर शर्मा, संयुक्त सचिव, वित्त मंत्रालय,  
राजस्व विभाग, केन्द्रीय प्रत्यक्ष कर बोर्ड को श्री एम.एस.  
सीतारामन के स्थान पर विजया बैंक में निदेशक के रूप में  
नामित करती है।

S.O. 47.—In exercise of the powers conferred by clause (b) of  
sub-section 3 of section 9 of the Banking Companies (Acqui-  
sition and Transfer of Undertakings) Act, 1980, read with  
sub-clause (1) of clause 3 of the Nationalised Banks (Man-  
agement and Miscellaneous Provisions) Scheme, 1980, the  
Central Government hereby nominates Shri Sudhir Sharma,  
Joint Secretary, Ministry of Finance, Department of Reve-  
nue, Central Board of Direct Taxes, New Delhi, as  
Director of Vijaya Bank Vice Shri M.S. Seetharaman.

[सं. एफ. 9/3/96-जी.ओ.-I]

के.के. मंगल, प्रवर सचिव

[F. No. 9/3/96-BO.I]

K. K. MANGAL Under Secy.

नई दिल्ली, 27 दिसम्बर, 1996

का०आ० 48.—विशेष न्यायालय (प्रतिभूत संयवहार संबंधी अपराध विचारण) अधिनियम, 1992 की धारा 3 की उपधारा (1) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा, 1 जनवरी, 1997 से और 31 अगस्त, 1998 तक या अभिरक्षक के कार्यालय का कार्य समाप्त होने तक, जो भी पहले हो, प्रतिनियुक्त के आधार पर श्री बी० भट्टाचार्य, भारतीय लेखा-परीक्षा और लेखा सेवा, जो वर्तमान में अपर उप निबंधक एवं महालेखा-परीक्षक, नई दिल्ली हैं, को अभिरक्षक के रूप में नियुक्त करती है।

[सं० एफ० 4/3/94-एससीएस/सतर्कता]

एम० दामोदरन, संयुक्त सचिव

New Delhi, the 27th December, 1996

S.O. 48.—In exercise of the powers conferred by sub-section (1) of section 3 of the Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992, the Central Government hereby appoints Shri B. Bhattacharya, IA&AS, presently Additional Deputy Comptroller and Auditor General, New Delhi as Custodian and deputation basis with effect from 1st January, 1997 and upto 31st August, 1998 or till the work of Office of the Custodian is completed, whichever is earlier.

[No. F. 4/3/94-SCS|VIG]  
M. DAMODARAN, Jt. Secy.

वाणिज्य-मंत्रालय

विदेश व्यापार महानिदेशालय

नई दिल्ली, 26 दिसम्बर, 1996

का. प्रा. 49.—सैसर्स लाइफलाइन मेडिकल डिस्पोजेबल्स लि. को बल्टी केबिटी इन्जेक्शन माऊल्ड (मेडीकल अर्थोपेडिक प्लास्टिक कम्पोनेंट्स के लिए उपयुक्त) एक नमूना माऊल्ड 128 केबिटी और 1 नमूना प्रोटेक्टर माऊल्ड-96 केबिटी का आयात करने के लिए 82,35,200/-रुपए (असीस लाख पैंतीस हजार और दो सौ रुपए मात्र) मूल्य का एक आयात लाइसेंस सं. पी/सी/जी/2134721/एस/डब्ल्यू पी/25/एच/ई पी सी जी दिनांक 8-7-92 जारी किया गया था।

2. सर्म ने इस आधार पर उपर्युक्त लाइसेंस की सीमा-शुल्क प्रयोजन प्रतिलिपि की अनुलिपि जारी करने का आवेदन किया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रतिलिपि गुप्त/

अस्थानस्थ हो गई है। साथ ही यह बताया गया है कि लाइसेंस की सीमाशुल्क (आयात) के सहायक समामर्ति, इंदिरा गांधी अंतरराष्ट्रीय कार्गो काम्प्लेक्स, नई दिल्ली के पास पंजीकृत कराया गया था और लाइसेंस के पूरे मूल्य का उपयोग कर लिया गया है।

3. अपने दावे के समर्थन में, लाइसेंस धारक ने नोटरी पब्लिक, दिल्ली के सशक्त वकालत गणपथ लेकर स्टाम्प पेपर पर एक गणपथपत्र प्रस्तुत किया है। तदनुसार, मैं संतुष्ट हूँ कि आयात लाइसेंस सं. पी/एस/डब्ल्यू पी/25/एच/ई पी सी जी, दिनांक 8-7-92 की मूल सीमाशुल्क प्रयोजन प्रति फर्म से गुप्त अथवा अस्थानस्थ हो गई है। यथासंगोध्यत आयात (नियंत्रण) आदेश सं., 1955, दिनांक 7-12-55 की उपधारा 9 (गग) के तहत प्रवक्त शक्तियों का इस्तेमाल करते हुए, सैसर्स ला मेडीकल डिवाइसिस लि. को जारी की गई उक्त मूल सीमाशुल्क प्रयोजन प्रतिलिपि को एतद्वारा रद्द किया जाता है।

4. उक्त लाइसेंस की सीमाशुल्क प्रतिलिपि की दूसरी प्रति पार्टी को अलग से जारी की जा रही है।

[फा. सं.-18/289/ए एम, 93/ई पी सी जी-3]  
के. चन्द्रामती, उप महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

DIRECTORATE GENERAL OF FOREIGN TRADE

[New Delhi, the 26th December, 1996

S.O. 49.—M/s. Lifeline Medical Disposables Ltd., Delhi were granted an Import Licence No.P/CG/2134721/S/WP/25/H/EP-CG dated 8-7-92 for Rs. 32,35,200/- (Rupees Thirty Two Lacs Thirty Five Thousand and Two Hundred only) for import of multi cavity injection mould (suitable for precision plastic components for medical items) one number sub mould 128 cavity and one number protector mould -96 cavity.

2. The firm has applied for issue of duplicate copy of Custom Purpose Copy of the above mentioned licence on the ground that the Custom Purpose Copy of the licence has been lost or misplaced. It has further been stated that the licence was registered with Asst. Collector of Customs (Import), I.G.I. Cargo Complex, New Delhi and the Value of the licence has been fully utilised.

3. In support of their contention, the licensee has filed an Affidavit on Stamped Paper duly sworn in before a Notary Public, Delhi. I am accordingly satisfied that the original Custom Purpose Copy of import licence No. P/S/WP/25/H/EPCG dated 8-7-92 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955, as amended the said original Custom Purpose copy issued to M/s. Lifeline Medical Disposables Ltd., is hereby cancelled.

4. A duplicate Custom Purpose copy of the said licence is being issued to the party separately.

[F. No. 18/289/AM'93/EPCG-III]

K. CHANDRAMATHI, Dy. Director Gen. of Foreign Trade

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 दिसम्बर, 1996

क्र०आ० 50.—केंद्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की, धारा 3 की उपधारा (1) के अधीन जारी की गई भारत के राजपत्र, भाग 2, खंड-3, उपखंड (ii), पृष्ठ संख्या 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1758, पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का०आ० 1477, ता० 25 मई, 1996 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि का अर्जन करने के अपने आशय की सूचना दी थी।

और केंद्रीय सरकार की जानकारी में यह लाया गया है कि राजपत्र के प्रकाशन में त्रुटि संबंधी कुछ गलतियाँ हो गई हैं।

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम, की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित रूप में संशोधित करती है :—

पृष्ठ संख्या 1745	गांव खागरा के प्लॉट सं० 308 के सामने स्तम्भ 4 में "2" के स्थान पर "0" पढ़ें।
पृष्ठ संख्या 1746	गांव खागरा के प्लॉट सं० 28 के सामने स्तम्भ 5 में "4" के स्थान पर "3" पढ़ें; गांव बोधग्राम के स्तम्भ 3 में प्लॉट सं० "497" के स्थान पर "997" पढ़ें; गांव भालुका के स्तम्भ 3 में प्लॉट सं० "233" के स्थान पर "232" पढ़ें।
पृष्ठ संख्या 1747	स्तम्भ 1 में गांव "बिरोरी (जारी)" के स्थान पर "बिरोरी (जारी)" पढ़ें; गांव बिरोरी के प्लॉट सं० 498 के सामने स्तम्भ 6 में "33" के स्थान पर "1" पढ़ें; प्लॉट सं० 398 के सामने स्तम्भ 6 में "2" के स्थान पर "1" पढ़ें; गांव रेंगना के प्लॉट सं० 2386 के सामने स्तम्भ 4 में "म" के स्थान पर "0" पढ़ें; प्लॉट सं० 795 के सामने स्तम्भ 6 में "83" के स्थान पर "72" पढ़ें।

पृष्ठ संख्या 1748

गांव रेंगना के प्लॉट सं० 273 के सामने स्तम्भ 6 में "69" के स्थान पर "68" पढ़ें; गांव पछीअरा के प्लॉट सं० 2588 के सामने स्तम्भ 6 में "57" के स्थान पर "59" पढ़ें; प्लॉट सं० 2765 के सामने स्तम्भ 6 में "19" के स्थान पर "16" पढ़ें; प्लॉट सं० 2829 के सामने स्तम्भ 4 में, जो स्पष्ट नहीं है, के स्थान पर, "0" पढ़ें; प्लॉट सं० 1767 के सामने स्तम्भ 4 में, जो स्पष्ट नहीं है, के स्थान पर "0" पढ़ें।

पृष्ठ संख्या 1749

गांव पछीअरा के प्लॉट सं० 1877 के सामने स्तम्भ 4 में "9" के स्थान पर "0" पढ़ें; प्लॉट सं० 1638 के सामने स्तम्भ 4 में, जो स्पष्ट नहीं है, के स्थान पर "0" पढ़ें, स्तम्भ 5 में "3" के स्थान पर "1" पढ़ें, स्तम्भ 3 में प्लॉट सं० "1391" के स्थान पर "3391" पढ़ें।

पृष्ठ संख्या 1750

गांव चन्द्रपुर के प्लॉट सं० 1095 के सामने स्तम्भ 4 में "म" के स्थान पर "0" पढ़ें; स्तम्भ 3 में प्लॉट सं० 1039 के बाद प्लॉट सं० "1068" के स्थान पर "1038" पढ़ें; प्लॉट सं० 1040 के सामने स्तम्भ 6 में "92" के स्थान पर "4" पढ़ें; प्लॉट सं० 583 के सामने स्तम्भ 5 में, जो स्पष्ट नहीं है, के स्थान पर "2" पढ़ें।

पृष्ठ संख्या 1751

गांव मोहनपुर के प्लॉट सं० 369 के सामने स्तम्भ 4 में "9" के स्थान पर "0" पढ़ें; प्लॉट सं० 373 के सामने स्तम्भ 5 में "3" के स्थान पर "1" पढ़ें।

पृष्ठ संख्या 1752

गांव बेलिशुली के प्लॉट सं० 528 के सामने स्तम्भ 6 में "90" के स्थान पर "80" पढ़ें;

गांव पंडितपुर के प्लॉट सं० 269 के सामने स्तम्भ 6 में "15" के स्थान पर "16" पढ़ें।

पृष्ठ संख्या 1753

गांव पंडितपुर के प्लॉट सं० 1383 के सामने स्तम्भ 5 में "4" के स्थान पर "5" पढ़ें; प्लॉट सं० 1323 के सामने स्तम्भ 4 में "अ" के स्थान पर "0" पढ़ें;

गांव होसेनाबाद के प्लॉट सं० 199 के सामने स्तम्भ 5 में "3" के स्थान पर "1" पढ़ें; स्तम्भ 3 में प्लॉट सं० 197 के बाद प्लॉट सं० "198" के स्थान पर "196" पढ़ें।

पृष्ठ संख्या 1754

गांव होसेनाबाद के स्तम्भ 3 में प्लॉट सं० "365" के स्थान पर "165" पढ़ें; गांव केथनपुर के प्लॉट सं० 372 के सामने स्तम्भ 4 में "9" के स्थान पर "0" पढ़ें; प्लॉट सं० 360 के सामने स्तम्भ 6 में "92" के स्थान पर "93" पढ़ें।

पृष्ठ संख्या 1755

स्तम्भ 1 में गांव "बानीजुरी" के स्थान पर "बानीजुरी" पढ़ें; गांव खोलाकुडी के स्तम्भ 3 में प्लॉट सं० "1119" के स्थान पर "1199" पढ़ें; प्लॉट सं० 312 के सामने स्तम्भ 4 में "अ" के स्थान पर "0" पढ़ें; स्तम्भ 5 में "0" के स्थान पर "3" पढ़ें; प्लॉट सं० 237 के सामने स्तम्भ 5 में "0" के स्थान पर "5" पढ़ें।

पृष्ठ संख्या 1756

गांव पंगलापुर के प्लॉट सं० 365 के सामने स्तम्भ 6 में "4" के स्थान पर "40" पढ़ें।

पृष्ठ संख्या 1758

गांव केन्धुआपुरी के प्लॉट सं० 545 के सामने स्तम्भ 4 में, जो स्पष्ट नहीं है, के स्थान पर "0" पढ़ें; प्लॉट सं० 627 के सामने स्तम्भ 4 में, जो स्पष्ट नहीं है, के स्थान पर "0" पढ़ें।

ऐसी भूमि में, जिसकी बायत उपरोक्त संशोधन जारी किया गया है, हितवद् कोई व्यक्ति इस अधिसूचना के जारी किये जाने के इक्कीस दिन के भीतर, उस अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार उक्त सम्पूर्ण भूमि या उसके किसी भाग के या ऐसी भूमि में या उस पर के किसी अधिकार के अर्जित किये जाने के संबंध में आक्षेप श्री विश्वनाथ बोस, सक्षम प्राधिकारी, इंडियन ऑयल कार्पोरेशन लिमिटेड, हल्दिया-बरीली ब्रूड पाइपलाइन परियोजना, पो० हल्दिया रिफाईनरी, जिला मिदनापुर, पश्चिमी बंगाल को कर सकेगा।

स्पष्टीकरण :—इस अधिनियम द्वारा संशोधित भूमियां, प्लॉट सं० और क्षेत्रफल की बाबत ही उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार इक्कीस दिन की उक्त अवधि उस तारीख से आरम्भ होती है जिसको यह अधिसूचना राजपत्र में प्रकाशन के पश्चात् जनता को उपलब्ध करा दी जाती है।

[सं० आर-31015/1/96-ओ०आर-1(पार्ट-1)]

के०सी० कटोच अवसर सचिव

#### MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 18th December, 1996

S.O. 50.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1477, dated the 25th May, 1996, published in the Gazette of India, Part-II, Section 3, Sub-section (ii), at pages 1759, 1760, 1761, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said act), the Central Government gave notice of its intention to acquire the land specified in the Schedule appended to that notification;

And, whereas, it has been brought to the notice of the Central Government that certain errors of the printing nature have occurred in the publication of the said notification in the gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section-3 of the said Act, the Central Government hereby amends the schedule appended to aforesaid notification as follows :

At page No. 1759— in Village Khagra against Plot No. 326, in column 6, for "66" read "69"; in Village Bodhgram, in column 3, for Plot No. "693" read "993".

At page No. 1760— in Village Birori against Plot No. 445 in column 6, for "67" read "69"; in Village Rengna against Plot No. 2381, in column 6, for "93" read "73".

At page No. 1761— in column 1, for Village "Pachiara 168—Contd." read "Rengna (Contd.)", in column 2 read "163" against Plot No. 336, in column 6, for "75" read "70"; against Plot No. 1148, in column 4 read "0" against Plot No. 9, in column 4 read "0".

- At page No. 1763 -- in Village Chandrapur against Plot No. 1081, in column 6, for "62" read "22";  
in Village Hetampur against Plot No. 138, in column 5, for "8" read "0";
- At page No. 1764— in Village Satkenduri against Plot No. 1935, in column 6, for "22" read "29";  
in Village Beleshuli against Plot No. 503/804, in column 6, for "25" read "52";  
against Plot No. 526, in column 6, for "7" read "9"; against Plot No. 521, in column 6, for "77" read "97"; against Plot No. 673, in column 6, for "97" read "47";  
in Village Azdulla against Plot No. 589, in column 6, for "77" read "97";  
against Plot No. 590, in column 6, for "27" read "29"; against Plot No. 592, in column 5, for "0" read "1"; against Plot No. 593, in column 5, for "1" read "0".
- At page No. 1765.—(i) in Village Azdulla against Plot No. 707, in column 5, for "7" read "9";  
(ii) in Village Panditpur against Plot No. 983, in column 4, read "0"; against Plot No. 1643, in column 6, for "73" read "93".
- At page No. 1766— (i) in column 1, for Village "Pach-pukhurai" read "Panchpukhuria";  
(ii) in Village Harulia against Plot No. 425, in column 4, for "9" read "0".
- At page No. 1767— in Village Balijuri in column 3, for Plot No. "518" read "618"; against Plot No. 77, in column 6, for "13" read "23".  
in Village Kholakudi against Plot No. 214, in column 6, for "2" read "22";  
in column 1, for Village "Pungalapur" read "Punglapur".
- At page No. 1768 — in column 1, for Village "Pungalapur" read "Punglapur—(Contd.)";  
in Village Anandanagar against Plot No. 492, in column 6, for "6" read "4";  
against Plot No. 286, in column 4, read "0"; against Plot No. 287, in column 4, read "0";  
in Village Budhpur against Plot No. 378, in column 4, read "0"; against Plot No. 392, in column 5, for "0" read "2"; against Plot No. 670, in column 6, for "10" read "18".
- At page No. 1769— in Village Haripur against Plot No. 1253, in column 4, read "0"; against Plot No. 736, in column 6, for "26" read "22";  
in Village Alliot against Plot No. 1538, in column 6, for "8" read "0".
- At page No. 1770— in Village Kenduakuri against Plot No. 550, in column 5, for "3" read "1".

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act, to Shri Biswanath Bose, Competent Authority, Haldia-Baruani Crude

Pipeline Project, Post Office—Haldia Refinery, District Midnapur, West Bengal.

Explanation.—In respect of the lands, plot numbers and areas amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act, starts running from the date of notification is made available to the public after publication in the official Gazette.

[No. R-31015/1/96-O.R-I] (pt-I)]

K. C. KATOCH, Under Secy.

नई दिल्ली, 18 दिसम्बर, 1996

का. आ. 51—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) के अधीन जारी गई भारत के राजपत्र, भाग 2, खंड-3, उपखंड (ii), पृष्ठ संख्या 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1779, 1780, 1785, 1787, 1788, 1789 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 1478 ता. 10 मई, 1996 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि का अर्जन करने के अपने आशय की सूचना दी थी।

और केन्द्रीय सरकार की जानकारी में यह लाया गया है कि राजपत्र के प्रकाशन में सुद्धन संबंधी कुछ गलतियाँ हो गई हैं।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित रूप में संशोधित करती है :—

- पृष्ठ संख्या 1770— गांव कमरहटी के प्लॉट सं. 270 के सामने स्तम्भ 6 में "64" के स्थान पर "68" पढ़ें।
- पृष्ठ संख्या 1771— गांव कमरहटी के स्तम्भ 3 में प्लॉट सं० "3694" के स्थान पर "3494" पढ़ें प्लॉट सं "3621" के स्थान पर "3521" पढ़ें; स्तम्भ 1 में गांव "कमरहटी" के स्थान पर "कमरहटी" पढ़ें; प्लॉट सं. 127 के सामने स्तम्भ 5 में "40" के स्थान पर "10" पढ़ें; प्लॉट सं. 97 के सामने स्तम्भ 6 में "63" के स्थान पर "73" पढ़ें; स्तम्भ 3 में प्लॉट सं. 12 के बाद, जो स्पष्ट नहीं है, के स्थान पर "13" पढ़ें।
- पृष्ठ संख्या 1772— गांव आलमपुर के स्तम्भ 3 में प्लॉट सं. "1357" के स्थान पर "1347" पढ़ें।

- पृष्ठ संख्या 1773-- स्तम्भ 1 में गांव "जोखब" के स्थान पर "जोखब" पढ़ें; गांव जोखब के प्लॉट सं. 670 के सामने स्तम्भ 4 में, खाली स्थान पर "0" पढ़ें; प्लॉट संख्या 1037 के सामने स्तम्भ 4 में, खाली स्थान पर "0" पढ़ें ।
- पृष्ठ संख्या 1774-- गांव धारन के स्तम्भ 3 में प्लॉट सं. 473 के बाद, प्लॉट सं. "171" के स्थान पर "472" पढ़ें; प्लॉट सं. 413 के बाद, जो स्पष्ट नहीं है, के स्थान पर "428" पढ़ें ।
- पृष्ठ संख्या 1775-- गांव बजितपुर के प्लॉट सं. 533 के स्तम्भ 4 में "5" के स्थान पर "0" पढ़ें ।  
स्तम्भ 1 में गांव "उजिरहाटी" के स्थान पर "उजिरहाटी" पढ़ें; गांव उजिरहाटी में स्तम्भ 3 में प्लॉट सं. 101 के बाद "104" के स्थान पर "102" पढ़ें एवं उसके सामने 5 में "0" के स्थान पर "3" पढ़ें ।
- पृष्ठ संख्या 1776-- गांव मोगलसारी के प्लॉट सं. 29 के सामने स्तम्भ 5 में, जो स्पष्ट नहीं है, के स्थान पर "12" पढ़ें; गांव सेहारा के प्लॉट सं. 2802 के सामने स्तम्भ 6 में "40" के स्थान पर "46" पढ़ें; प्लॉट सं. 2759 के सामने स्तम्भ 5 में "9" के स्थान पर "1" पढ़ें; प्लॉट सं. 2589 के सामने स्तम्भ 6 में "63" के स्थान पर "68" पढ़ें ।
- पृष्ठ संख्या 1777-- गांव कामदेवपुर के प्लॉट सं. 1384 के सामने स्तम्भ 5 में "40" के स्थान पर "0" पढ़ें; प्लॉट सं. 1263 के सामने स्तम्भ 6 में "56" के स्थान पर "6" पढ़ें;  
गांव मुनिया में प्लॉट सं. 957 के सामने स्तम्भ 5 में "9" के स्थान पर "0" पढ़ें ।
- पृष्ठ संख्या 1779-- गांव झलादिपुर के प्लॉट सं. 130 के सामने स्तम्भ 5 में "1" के स्थान पर "6" पढ़ें; प्लॉट सं. 131 के सामने स्तम्भ 5 में "3" के स्थान पर "8" पढ़ें;
- पृष्ठ संख्या 1780-- गांव शंकरा के प्लॉट सं. 857 के बाद, जो स्पष्ट नहीं है, के स्थान पर "858" पढ़ें; प्लॉट सं. 397 के सामने स्तम्भ 6 में "95" के स्थान पर "1" पढ़ें ।
- पृष्ठ संख्या 1785-- गांव बेलग्राम के प्लॉट सं. 3509 के सामने स्तम्भ 6 में "29" के स्थान पर "27" पढ़ें ।
- पृष्ठ संख्या 1787-- गांव चान्ता के प्लॉट सं. 118 के सामने स्तम्भ 6 में "2" के स्थान पर "22" पढ़ें; प्लॉट सं. 2229 के सामने स्तम्भ 4 में "1" के स्थान पर "0" पढ़ें ।
- पृष्ठ संख्या 1788-- गांव चान्ता के स्तम्भ 3 में प्लॉट सं. "2606" के स्थान पर "2706" पढ़ें; "पु. ओशग्राम" के स्थान पर "पु. था. ओशग्राम" पढ़ें एवं "राज्य पश्चिमी बंगाल" के स्थान पर "राज्य पश्चिमी बंगाल" पढ़ें;  
गांव करतजी के सामने स्तम्भ 2 में सं. रवा. सं. "166" के स्थान पर "176" पढ़ें;  
"पु. थामभतर" के स्थान पर "पु. था. भतर" पढ़ें; स्तम्भ 1 में "ओर ग्राम" के स्थान पर "ओरग्राम" पढ़ें;  
गांव ओरग्राम के प्लॉट सं. 13410 के सामने स्तम्भ 4 में "5" के स्थान पर "0" पढ़ें ।
- पृष्ठ संख्या 1789-- गांव ओरग्राम के प्लॉट सं. 98 के सामने स्तम्भ 6 में, जो स्पष्ट नहीं है, के स्थान पर "6" पढ़ें ।

ऐसी भूमि में जिसकी वास्तव उपरोक्त संशोधन जारी किया गया है, हितबद्ध कोई व्यक्ति इस अधिसूचना के जारी किये जाने के इक्कीस दिनों के भीतर, उस अधिनियम की धारा 5 की उपधारा 1 के निबंधनों के अनुसार उस सम्पूर्ण भूमि या उसके किसी भाग के या ऐसी भूमि में या उस पर के किसी अधिकार के अस्तित्व के संबंध में आक्षेप श्री विश्वनाथ बोस, सभा प्राधिकारी, इंडियन आयल कॉर्पोरेशन

जन विभिन्न हल्दिया बंगो नृष पाइपलाइन परियोजना पी० हल्दिया रिफाइनरी, जिला मिशनपुर, पश्चिमी बंगाल को कर सकेगा।

**स्पष्टीकरण :—**इस अधिनियम द्वारा संशोधित भूमियों, प्लाट सं. और क्षेत्रफल की बाबत ही उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार एकही दिन को उक्त अधि उक्त तारीख में आरम्भ होती है जिसको यह अधि सूचना राजपत्र में प्रकाशन के पश्चात् जनता को उपलब्ध करा दी जाती है।

[सं. आर-31015/1/96-ओ. आर. I (पार्ट I)]

के. सी. कटोच, अवर सचिव

New Delhi, the 13th December, 1996

S.O. 51.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1478, dated the 10th May, 1996, published in the Gazette of India, Part-II, Section-3, Sub-Section (ii), bearing no. 21 of dated 25-5-96 at pages 1790, 1791, 1792, 1794, 1795, 1796, 1798, 1800, 1801, 1802, 1803, 1804, 1805, 1806, issued under sub-section (1) of Section-3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962[(50) of 1962], (hereinafter referred to as the said act), the Central Government gave notice of its intention to acquire the land specified in the schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of the printing nature have occurred in the publication of the said notification in the gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section-3 of the said Act, the Central Government hereby amends the schedule appended to aforesaid notification as follows :—

At Page No. 1790— in village Kamarhati against Plot No. 3131 in column 5, for “15” read “5”; in column 1, for Village “Kamashati” read “Kamarhati”.

At Page No. 1791— in column 1, for Village “Kongeeপুর” read “Kongerpur”.  
in Village Lohai in column 3, after plot no. 3001 for plot no. 3302 read 3002.

At page No. 1792 — in column 1, for Village “Jotaghab” read, “Jot Raghav”;  
in Village Jot Raghav against Plot No. 672, in column 5, read “4”; against Plot No. 47, in column 6, for “45” read “85”.

At page No. 1794— in Village Ujirhati, in column 3, before Plot No. 101, for Plot no. “110” read “100”.

At page No. 1795— in Village Sehara, in column 3, for Plot No. “2857” read “2587”.

At page No. 1796— in column 1, for Village “Jorul” read “Jarul”;

in Village Taraposh, in column 3, for Plot No. “776” read “976”; against Plot No. 873, in column 6, for “14” read “84”; after Plot No. 873 and before

Plot No. 1171, in column 3, read “472,” in column 4 read “0”, in column 5 read “0” and in column 6 read “14”; against Plot No. 209, in column 5, for “4” read “2”;

in Village Jubila in column 3, for Plot No. “6742” read “6942”.

At page No. 1798— in Village Shankari against Plot No. 86, in column 5, for “6” read “5”.

At page No. 1800 — in Village Nila, in column 3, for Plot No. 1148” read “1158” against Plot No. 116., in column 6, for “5” read “50”.

At page No. 1801— in Village Nala, in column 3, for Plot No. “013” read “103”.

At page No. 1802— in Village Satinandi against Plot No. 2044, in column 6, for “65” read “76”.

At page No. 1803 — in Village Hitta against Plot No. 3101, in column 4, for “1” read “0”.

At page No. 1804 — in Village Channa against Plot No. 114, in column 5, for “7” read “9”; against Plot No. 4249, in column 6, for “38” read “48”.

At page No. 1805 — in Village Orgram, in column 3, for Plot No. “13387” read “13389”; for Plot No. “13741” read “13911”; for Plot No. “13357” read “13359”; against Plot No. 1317, in column 6, for “7” read “9”; against Plot No. 1330, in column 6, for “76” read “96”; against Plot No. 620, in column 5, for “7” read “1”; against Plot No. 609, in column 5, for “9” read “7”.

At page No. 1806 — in Village Orgram against Plot No. 98, in column 5, for “0” read “3”.

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act, to Shri Biswanath Bose, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Crude Pipeline Project, P.O. Haldia Refinery, Dist. : Midnapur, West Bengal.

Explanation.—In respect of the lands, plot nos. and areas amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said act, starts running from the date of notification is made available to the public after publication in the Gazette.

[No. R-31015/1/96-OR-I (Pt-I)]  
K. C. Katoch, Under Secy.

नई दिल्ली, 26 दिसम्बर, 1996

का.आ. 52.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) का धारा 3 उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1477 तारीख 25 मई, 1996, पृष्ठ संख्या 1745 से 1759 के द्वारा पश्चिमी बंगाल

राज्य में हस्तगत हो विहार राज्य में बंगाली तक पेट्रोलियम के पश्चात् (कूट) के लिए पाठ्यपुस्तक विद्यालयों हेतु उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अथवा अथवा को घोषणा की थी,

और, उक्त अधिसूचना की प्रतियाँ जनता को 14 मई, 1956 को उपलब्ध करा दी गई थी;

और, उक्त अधिनियम की धारा 6 उपधारा (1) के अनुसरण से मसाम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हुआ गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः, अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार प्राप्त करने के लिए अर्जित किया जाते हैं;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी जिल्लों में से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में इस घोषणा के प्रकाशन की तारीख को निहित होगा।

#### अनुसूची

प्रतिष्ठान : दुबारापुर; जिला : बोरस; राज्य : पंजाब; बंगाल

गांव अधिकांशता प्लॉट सं० क्षेत्रफल  
मंथी  
संख्या हवटेयर आरे सेंटीमिटर

1	2	3	4	5	6
खाधरा	210	316	0	6	91
		315	0	0	1
		314	0	0	30
		311	0	8	8
		312	0	0	55
		310	0	4	78
		345	0	6	68
		368	0	1	39
		297	0	0	83
		258	0	0	74
		259	0	2	27
		366	0	0	55
		256	0	11	48
		110	0	2	69
		255	0	0	55
		341	0	7	76
		253	0	0	83
		115	0	3	1
		114	0	1	48
		105	0	19	68
		118	0	4	47
		119	0	7	98
		120	0	0	8
		102	0	1	11

पट्टा

211	2125	0	6	93
	2121	0	14	10
	2120	0	15	38
	2119	0	3	1

मोक्षधाम

208	994	0	0	83
	992	0	1	50
	985	0	0	87
	984	0	6	60
	983	0	2	77
	982	0	0	98
	978	0	14	94
	975	0	0	18
	980	0	1	62
	961	0	0	80
	960	0	6	17
	959	0	3	70
	958	0	5	45
	955	0	3	24
	954	0	5	52
	867	0	4	8
	874	0	1	13
	872	0	0	57
	873	0	9	78
	875	0	0	56
	877	0	0	1
	876	0	8	18
	878	0	3	61
	852	0	4	3
	851	0	0	13
	840	0	7	57
	846	0	0	16
	841	0	11	23
	842	0	0	1
	827	0	0	1
	826	0	3	48
	825	0	1	21



1	2	3	4	5	6	1	2	3	4	5	6
फोटा	158	1605	0	12	50	बिरोरा (बारी)		501	0	0	69
		1604	0	0	97			502	0	2	59
		1603	0	0	1			503	0	5	34
		1589	0	12	76			495	0	0	1
		1588	0	4	45			496	0	3	33
		1587	0	5	84			497	0	0	42
		1571	0	1	29			490	0	2	97
		1570	0	0	1			489	0	3	34
भासुका	207	277	0	6	7			933	0	0	16
		231	0	7	79			406	0	7	79
		227	0	14	20			902	0	1	85
		225	0	2	31			405	0	0	1
		224	0	1	57			402	0	2	22
		88	0	3	31			397	0	5	73
		87	0	4	33			396	0	4	22
		86	0	1	78			449	0	2	92
		91	0	0	69			384	0	2	31
		84	0	0	1			844	0	3	33
		85	0	1	94			383	0	9	4
		83	0	3	61			386	0	7	5
		81	0	6	72			404	0	1	85
		94	0	0	1	रेगना	163	2466	0	0	1
		95	0	0	56			2435	0	3	33
		99	0	8	44			2459	0	8	16
		97	0	2	3			2458	0	6	68
		98	0	4	1			2450	0	3	33
		37	0	3	71			2451	0	10	46
		38	0	0	36			2449	0	4	59
		36	0	1	85			2370	0	0	47
		35	0	3	24			2369	0	11	55
		34	0	6	30			2582	0	0	30
		33	0	0	55			2366	0	7	65
दक्षिण चांदपुर	160	274	0	7	28			2380	0	21	16
		273	0	6	7			2361	0	1	11
		682	0	12	52			2382	0	2	96
		681	0	5	12			2384	0	1	39
		269	0	13	31			2385	0	5	84
		261	0	0	98			2387	0	5	84
								2396	0	5	32
बिरोरी	161	815	0	16	33			2395	0	0	23
		814	0	0	1			2397	0	6	68
		816	0	0	46			2562	0	1	78
		813	0	5	10			2398	0	0	38
		657	0	1	38			2563	0	3	71
		658	0	2	67			2400	0	0	41
		686	0	3	24			2314	0	4	43
		655	0	5	61			959	0	0	55
		654	0	2	0			830	0	22	83
		665	0	0	50			832	0	2	78
		652	0	0	41			831	0	4	11
		653	0	4	35			835	0	1	85
		647	0	3	19			840	0	0	82
		646	0	0	20			837	0	5	56
		645	0	10	53			839	0	3	89
		492	0	5	79			838	0	3	6
		644	0	1	66			1114	0	4	45
		642	0	0	56			790	0	11	13
		505	0	0	27			789	0	0	1
		504	0	2	78			780	0	5	28
		500	0	1	11			782	0	0	1
								779	0	1	67

1	2	3	4	5	6	1	2	3	4	5	6
रेगना-जारी						पछिअरा-जारी		3437	0	0	1
	781		0	2	78			3364	0	0	27
	548		0	6	12			3362	0	5	10
	547		0	0	22			3370	0	2	8
	542		0	2	42			3363	0	0	99
	543		0	2	77			3369	0	4	91
	544		0	5	1			2678	0	2	97
	539		0	3	34			3368	0	1	11
	540		0	1	23			2773	0	0	1
	538		0	4	17			2671	0	4	31
	537		0	5	84			3367	0	0	9
	535		0	0	21			2710	0	1	37
	532		0	4	45			2709	0	5	73
	531		0	2	75			2708	0	4	8
	530		0	3	80			2707	0	1	10
	526		0	0	23			2706	0	0	20
	529		0	9	74			2705	0	4	22
	528		0	0	89			2704	0	0	90
	580		0	2	43			2682	0	0	40
	215		0	2	50			2703	0	1	33
	1093		0	10	2			2701	0	0	1
	1092		0	0	92			2700	0	7	79
	335		0	9	75			2683	0	0	8
	1153		0	10	29			2737	0	1	4
	315		0	2	50			2699	0	2	89
	314		0	0	88			2696	0	0	4
	313		0	4	73			2697	0	0	95
	312		0	0	20			2698	0	3	26
	309		0	1	94			2692	0	0	48
	305		0	14	75			2739	0	0	51
	1143		0	0	70			2741	0	3	12
	278		0	1	13			2742	0	6	40
	280		0	3	61			2743	0	2	46
	279		0	3	75			2747	0	0	1
	274		0	0	28			2746	0	0	33
	282		0	8	35			2745	0	1	15
	283		0	3	33			2744	0	1	23
	284		0	4	3			2590	0	2	31
	286		0	1	24			2591	0	0	26
	287		0	6	69			2589	0	3	97
	289		0	0	80			2766	0	8	35
	8		0	11	12			2767	0	0	13
बक्षिण गोपालपुर	150	240	0	2	91			3482	0	2	87
		239	0	1	56			2126	0	0	71
पछीअरा	168	3349	0	7	79			2125	0	9	32
		3426	0	3	61			2124	0	0	1
		3423	0	0	89			2090	0	3	50
		3421	0	0	1			2089	0	1	85
		3390	0	16	14						
		3418	0	0	66						
		3397	0	5	1						
		3398	0	2	99						
		3395	0	6	17						

1	2	3	4	5	6	1	2	3	4	5	6
		2102	0	0	13			1878	0	0	69
		2101	0	0	42			1879	0	0	1
		2092	0	0	83			1642	0	0	37
		2093	0	0	72			1641	0	1	34
		2088	0	0	58			1639	0	0	83
		3547	0	2	85			1637	0	2	8
		2098	0	3	82			1634	0	0	13
		2096	0	1	71			1632	0	0	23
		2097	0	2	19			1621	0	5	61
		2099	0	0	76			1628	0	1	99
		2068	0	3	33			1627	0	1	22
		2825	0	4	1			1626	0	0	33
		2826	0	1	11			1625	0	2	46
		2827	0	2	87			1629	0	3	12
		2828	0	2	50			1624	0	0	13
		1819	0	0	9			691	0	0	82
		1818	0	8	51			692	0	3	71
		1763	0	0	13			690	0	1	52
		1764	0	2	29			688	0	0	14
		1766	0	3	96			687	0	0	72
		1768	0	0	1			685	0	2	18
		1769	0	3	37			684	0	7	40
		1816	0	3	71			1588	0	1	48
		1777	0	1	93			657	0	1	8
		1815	0	0	4			658	0	2	89
		1778	0	3	61			661	0	2	82
		1803	0	1	4			662	0	2	27
		1802	0	2	92			663	0	0	1
		1801	0	1	95			543	0	0	13
		1800	0	3	86			540	0	1	5
		1852	0	0	4			539	0	11	13
		1857	0	3	3			1579	0	2	46
		1859	0	6	5			521	0	3	12
		1860	0	0	83			519	0	5	75
		1861	0	0	1			515	0	2	23
		1862	0	0	61			516	0	5	75
		1863	0	2	50			1578	0	0	3
		1864	0	0	50			1640	0	0	83
		1870	0	2	92			3396	0	0	68
		1887	0	3	82			683	0	3	89
		1888	0	0	62			538	0	6	71
		1869	0	0	1						
		1871	0	1	16						
		1876	0	2	31						
		1875	0	2	87	चन्द्रपुर	169	1939	0	27	97
		1873	0	0	18			1851	0	0	41
		1874	0	0	40			1850	0	12	16

1	2	3	4	5	6	1	2	3	4	5	6
चन्द्रपुर--(जारी)	169	1849	0	7	89	चन्द्रपुर(जारी)	169	1082	0	1	98
		1859	0	1	7			1074	0	0	10
		1860	0	1	67			1073	0	0	81
		1861	0	0	48			1068	0	2	22
		1862	0	0	2			2004	0	2	69
		1863	0	6	38			1028	0	0	12
		1864	0	0	31			1071	0	0	46
		1830	0	3	80			1070	0	5	99
		1823	0	3	44			1069	0	1	84
		1865	0	1	71			1039	0	4	26
		1821	0	6	88			1033	0	1	94
		1822	0	0	28			1046	0	0	69
								1035	0	0	1
		1813	0	7	5			1066	0	0	55
		1811	0	3	37			1045	0	20	24
		1810	0	5	5			1044	0	0	92
		1809	0	0	18			1039	0	6	68
		1802	0	2	36			998	0	6	68
		1801	0	0	4			695	0	1	87
		1803	0	4	23			683	0	0	84
		1806	0	0	48			694	0	2	50
		1804	0	5	94			665	0	1	85
		1442	0	2	85			657	0	1	46
		1440	0	2	40			658	0	7	47
		1438	0	3	86			659	0	0	32
		1437	0	0	98			660	0	1	91
		1436	0	0	1			606	0	0	13
		1227	0	1	97			661	0	1	76
		1453	0	1	4			605	0	2	95
		1444	0	1	24			604	0	3	66
		1451	0	0	3			608	0	0	48
		1452	0	1	50			589	0	10	26
		1454	0	3	46			591	0	1	29
		1455	0	3	69			592	0	2	9
		1456	0	0	10			588	0	6	71
		1457	0	6	33			587	0	0	10
		1461	0	2	69			586	0	1	24
		1462	0	6	43			584	0	0	34
		1463	0	0	30			585	0	3	24
		1467	0	0	41			1812	0	0	32
		1468	0	5	63			1031	0	1	40
		1469	0	0	18			812	0	1	0
		1098	0	5	49			813	0	2	0
		1094	0	0	65			582	0	0	50
		1096	0	1	57			1087	0	1	8
		1097	0	2	74						
		1162	0	1	51						

1	2	3	4	5	6	1	2	3	4	5	6
हेतमपुर	143	233	0	1	12			599	0	5	42
		234	0	2	40			382	0	3	54
		235	0	2	42			383	0	0	64
		231	0	0	40			598	0	4	8
		230	0	0	32			379	0	3	21
		243	0	1	89			372	0	1	78
		244	0	0	92			371	0	1	46
		245	0	2	15			367	0	19	39
		246	0	1	76			355	0	4	56
		242	0	0	20			394	0	2	50
		247	0	0	1			353	0	9	61
		248	0	0	84			390	0	20	32
		249	0	0	8			402	0	7	81
		259	0	5	56			29	0	0	70
		258	0	5	42			399	0	1	43
		253	0	0	55			30	0	0	1
		256	0	0	90			65	0	6	12
		278	0	1	85			401	0	0	70
		279	0	1	15			68	0	8	90
		277	0	0	4			71	0	1	78
		280	0	8	53			60	0	0	8
		196	0	0	25			59	0	0	90
		281	0	1	0			72	0	2	92
		282	0	3	94			73	0	3	36
		175	0	3	14			74	0	0	90
		174	0	0	8			58	0	4	8
		173	0	1	85			55	0	4	63
		172	0	3	52			53	0	2	3
		171	0	0	68			79	0	0	75
		145	0	3	5			52	0	0	24
		147	0	0	18			51	0	6	24
		148	0	1	2			50	0	1	67
		149	0	2	54			49	0	3	89
		150	0	1	42			2	0	16	42
		160	0	1	67			1	0	1	94
		1332	0	7	87			47	0	0	20
		1331	0	0	1			380	0	0	28
		144	0	0	87			384	0	0	1
		143	0	2	5						
		875	0	1	25	सतकेंदुरी	104	1934	0	5	28
		137	0	3	61			1933	0	0	9
		136	0	7	65			1937	0	5	43
		135	0	4	3			1938	0	6	82
								1939	0	7	17
								1940	0	3	61
								1941	0	3	34
								1942	0	0	9
								1981	0	0	90
मोहनपुर	142	649	0	0	12						
		602	0	4	26						
		601	0	15	46						
		600	0	0	64						

1	2	3	4	5	6	1	2	3	4	5	6
(मतकेंद्री---ज.रो)	104	1982	0	0	57			489	0	0	11
		1979	0	5	10			503/805	0	1	87
		1978	0	5	36			475	0	1	11
		1977	0	0	6			504	0	2	59
हसलामपुर	140	810	0	2	78			507	0	2	48
		826	0	0	37			506	0	0	65
		827	0	4	95			505	0	3	34
		842	0	0	9			509	0	0	55
		843	0	2	64			527	0	1	80
		846	0	3	71			525	0	0	57
		855	0	11	4			524	0	0	1
		854	0	9	4			523	0	1	76
		853	0	1	25			522	0	3	6
		858	0	4	45			520	0	8	81
		131	0	17	54			542	0	3	34
								543	0	9	88
बेलेशुली	139	74	0	5	43			544	0	0	10
		75	0	2	43			674	0	2	50
		74/781	0	0	1			675	0	3	13
		75/782	0	2	36			672	0	2	83
		392	0	0	57			755	0	21	72
		393	0	0	55			680	0	0	1
		394	0	1	95			502	0	0	1
		394/780	0	0	84			508	0	0	4
		394/779	0	0	55	अजदुल्ला	106	690	0	2	36
		370	0	0	17			692	0	2	8
		371	0	0	84			694	0	10	25
		372	0	1	6			685	0	12	80
		373	0	1	46			581	0	0	18
		368	0	0	40			683	0	9	70
		374	0	2	59			684	0	4	38
		375	0	1	11			585	0	0	21
		376	0	1	32			587	0	8	37
		358	0	0	27			588	0	1	62
		361	0	4	45			591	0	0	87
		360	0	4	54			675	0	9	19
		421	0	0	69			705	0	6	68
		749	0	1	68			946	0	0	83
		337	0	1	29			713	0	7	58
		336	0	5	38			712	0	0	38
		483	0	2	4			709	0	4	36
		485	0	0	34			710	0	6	35
		486	0	1	50			691	0	1	22
		487	0	1	24			693	0	0	60
		488	0	4	33			844	0	30	7
		503/803	0	0	1	नूतनी	110	16	0	2	33
		503	0	4	82			17	0	18	17

1	2	3	4	5	6	1	2	3	4	5	6
नुरेदो-जारी		21	0	8	44			1141	0	7	24
		23	0	6	86			1143	0	3	9
		24	0	3	13			1139	0	6	68
		54	0	2	22			1145	0	1	36
		29	0	0	1			1137	0	2	85
		45	0	7	96			1133	0	3	34
		53	0	0	2			1136	0	0	21
		52	0	0	11			1134	0	1	39
		55	0	0	60			1619	0	1	30
		46	0	0	87			1690	0	2	41
		47	0	1	16			1132	0	7	10
		48	0	2	39			1362	0	1	95
		49	0	4	17			1706	0	2	99
		152	0	2	44			1707	0	0	30
		151	0	5	75			1705	0	0	40
		143	0	9	46			1364	0	0	30
		142	0	8	20			1365	0	11	50
		129	0	7	74			1372	0	6	26
		130	0	0	46			1367	0	7	24
		141	0	4	1			1337	0	3	99
		140	0	0	18			1645	0	19	76
		132	0	8	46			1644	0	6	34
अंगल कुबराजपुर	138	72	0	21	27			1451	0	0	71
		78	0	0	6			1449	0	0	6
		77	0	1	98			1442	0	0	16
		74	0	2	20			1443	0	1	78
पंडितपुर	111	275	0	0	83			1509	0	1	83
		276	0	1	78			987	0	5	76
		277	0	0	31			1693	0	0	21
		256	0	7	99			1366	0	0	69
		254	0	0	72			1447	0	1	67
		257	0	0	10						
		259	0	0	86	रूपसीमुली	112	529	0	6	89
		270	0	2	63			527	0	0	9
		980	0	0	62			526	0	2	60
		981	0	0	51			521	0	4	85
		982	0	0	1			525	0	3	88
		985	0	0	62			524	0	3	21
		1018	0	1	46			522	0	2	99
		1019	0	0	97			510	0	9	60
		1020	0	0	78			509	0	7	13
		1025	0	2	31			504	0	0	20
		1024	0	1	19			495	0	6	15
		1023	0	0	16			500	0	0	35
		1022	0	2	84			469	0	0	6
		1021	0	11	82			468	0	9	92
		1142	0	4	94			467	0	1	6

1	2	3	4	5	6	1	2	3	4	5	6
रुमसी मूनी-जारी	1448	0	0	65				163	0	27	59
	466	0	5	71				164	0	9	47
	465	0	9	68				389	0	1	62
	463	0	1	89				198	0	0	69
	580	0	5	34	केथनपुर	24	254	0	4	33	
	462	0	0	46			253	0	1	42	
	592	0	12	35			252	0	0	49	
	591	0	1	22			256	0	4	31	
	442	0	5	92			257	0	1	57	
	595	0	0	19			250	0	4	64	
	597	0	0	1			249	0	0	92	
	612	0	4	28			1713	0	0	46	
	618	0	2	84			263	0	7	50	
	617	0	0	68			262	0	0	82	
	614	0	0	48			1719	0	0	91	
	615	0	0	74			264	0	0	2	
	631	0	2	25			269	0	1	39	
	634	0	3	62			270	0	0	8	
	633	0	0	4			284	0	7	24	
	635	0	6	36			283	0	9	30	
	709	0	0	4			291	0	0	24	
	708	0	3	88			322	0	0	35	
	636	0	3	85			323	0	2	80	
	707	0	2	89			327	0	2	39	
	706	0	1	86			326	0	5	78	
	701	0	2	67			1643	0	0	45	
	700	0	6	31			328	0	1	92	
	1517	0	0	46			329	0	10	15	
	1518	0	3	61			396	0	0	18	
	697	0	6	62			370	0	2	10	
	696	0	2	38			371	0	0	86	
	1717	0	6	92			373	0	0	15	
	512	0	3	29			376	0	3	75	
	511	0	0	12			377	0	5	26	
	464	0	2	67			378	0	4	51	
	494	0	0	2			379	0	4	89	
होसेनाबाद	25	202	0	4	26		362	0	7	26	
		201	0	3	48		361	0	2	18	
		200	0	0	60		255	0	1	0	
		197	0	13	18		279	0	0	25	
		182	0	1	12	पचपुखुरिया	26	482	0	14	48
		181	0	6	12			330	0	0	20
		180	0	3	20			481	0	0	42
		183	0	0	17			315	0	7	72
		179	0	0	92			313	0	5	75
		178	0	2	24			317	0	1	12
		177	0	0	1			312	0	4	18



1	2	3	4	5	6	1	2	3	4	5	6
पचपुखुरिया--जारी		274	0	5	38	बालीजुरी--जारी		624	0	3	90
		319	0	1	94			625	0	0	20
		318	0	2	92			578	0	3	6
		273	0	8	16			576	0	2	59
		327	0	11	46			2772	0	3	24
		328	0	3	71	गोपालनगर	30	1634	0	19	30
हथलिया	27	420	0	0	1			1195	0	8	53
		430	0	5	84			1194	0	9	56
		431	0	1	80			1201	0	7	42
		429	0	2	78			1186	0	4	64
		421	0	0	16			1112	0	2	12
		428	0	1	37			1111	0	0	97
		435	0	0	1			1197	0	7	65
		427	0	0	70			1053	0	0	84
		426	0	3	62			1183	0	5	75
		436	0	1	12			1196	0	39	65
		408	0	7	79	कुरालजुरी	6	545	0	31	38
		410	0	1	32	खोलाकुडी	5	1174	0	2	0
		437	0	2	71			979	0	28	38
		440	0	4	8			978	0	3	27
		409	0	0	1			975	0	3	71
		371	0	0	70			974	0	3	61
		370	0	1	95			973	0	2	0
		372	0	2	15			983	0	3	13
		369	0	5	94			970	0	4	17
		352	0	4	91			969	0	2	58
		350	0	0	24			971	0	0	20
		349	0	0	62			963	0	1	85
		236	0	11	13			964	0	1	93
		232	0	8	72			968	0	2	54
		231	0	1	13			967	0	0	46
		125	0	7	86			965	0	2	16
		77	0	5	33			301	0	0	55
		351	0	5	75			302	0	10	2
बालीजुरी	21	605	0	5	41			303	0	0	10
		604	0	0	92			311	0	0	85
		2808	0	1	33			228	0	0	23
		602	0	1	21			230	0	4	59
		614	0	0	1			227	0	7	19
		615	0	3	62			232	0	0	1
		2811	0	2	24			202	0	4	17
		616	0	0	45			226	0	5	1
		619	0	1	39			224	0	8	35
		620	0	1	39			220	0	1	46
		621	0	1	35			222	0	5	41
		622	0	4	10			219	0	0	4
		623	0	0	90						

1	2	3	4	5	6	1	2	3	4	5	6
खोलाकुडो —जारी		218	0	1	85	पंगलापुर—जारी		538	0	0	40
		217	0	0	55			453	0	1	66
		216	0	0	27			447	0	0	1
		215	0	0	34			444	0	0	40
		44	0	2	3			437	0	3	33
		42	0	3	13			436	0	2	22
		46	0	0	54			440	0	0	55
		47	0	0	77			420	0	0	55
		48	0	1	46			421	0	0	97
		49	0	11	91			422	0	1	85
		50	0	1	52			425	0	4	45
		31	0	3	80			424	0	0	1
		32	0	0	50			426	0	0	40
		33	0	1	25			427	0	0	60
		117	0	4	45			417	0	6	11
		2	0	1	12			411	0	0	40
		966	0	2	22			410	0	0	40
		305	0	0	24			412	0	0	64
		1201	0	0	10			414	0	2	78
	लक्ष्मीनारायणपुर	4	322	0	0		8		415	0	2
		734	0	7	15		416	0	0	69	
		292	0	0	69		371	0	4	56	
पंगलापुर	3	517	0	4	22		372	0	2	50	
		960	0	2	44		373	0	0	60	
		961	0	0	92		273	0	6	68	
		962	0	0	51		274	0	4	17	
		963	0	0	40		275	0	6	12	
		964	0	0	1		276	0	0	1	
		518	0	3	89		271	0	0	40	
		520	0	0	40		268	0	13	36	
		521	0	1	85		258	0	21	86	
		497	0	3	34		266	0	0	40	
		498	0	2	22		260	0	0	1	
		499	0	0	97		259	0	4	45	
		500	0	8	35		250	0	0	69	
		501	0	0	1		1315	0	0	60	
		489	0	0	25		249	0	5	56	
		491	0	1	25		519	0	2	83	
		485	0	1	39		490	0	4	45	
		488	0	1	25						
		486	0	1	46						
		484	0	0	1						
		487	0	3	5						
		478	0	0	1						
		475	0	0	40						
		479	0	3	5						
		480	0	3	89						

पु० था० : खोयरासोल जिला : बीरभूम राज्य पश्चिमी बंगाल					
1	2	3	4	5	6
आनन्दनगर	12	1979	0	4	45
		1977	0	13	55
		1965	0	14	1
		1972	0	16	62
		1971	0	1	12
		502	0	3	16
		488	0	0	41
		283	0	5	1

1	2	3	4	5	6	1	2	3	4	5	6
आतन्दनगर—जारी	12	284	0	5	54	बुधपुर—जारी	11	403	0	3	54
		282	0	0	14			409	0	0	1
		285	0	2	78			408	0	2	24
		288	0	0	1			404	0	0	21
		296	0	1	46			405	0	0	59
		295	0	1	28			406	0	0	55
		294	0	5	84			407	0	2	8
		2515	0	3	89			412	0	0	97
		302	0	13	96			627	0	3	89
		300	0	3	89			626	0	0	17
		301	0	1	12			414	0	2	0
		307	0	8	74			625	0	0	56
		306	0	0	93			622	0	1	53
		308	0	3	15			621	0	2	78
		568	0	0	64			616	0	3	62
		37	0	1	12			573	0	8	35
		36	0	2	57			614	0	0	1
		38	0	3	85			612	0	9	4
		39	0	0	1			588	0	1	48
		46	0	35	14			589	0	0	78
		47	0	0	1			582	0	0	1
		48	0	0	9			587	0	3	56
		49	0	1	67			586	0	5	19
		50	0	5	7			583	0	4	64
		45	0	1	42			585	0	0	1
		31	0	0	97			786	0	8	81
		51	0	1	12			785	0	0	10
		52	0	3	62			789	0	1	42
		53	0	1	77			788	0	2	29
		55	0	0	60			790	0	2	61
		68	0	12	56			791	0	1	53
		69	0	1	57			797	0	2	4
		78	0	0	83			792	0	1	86
		79	0	5	0			795	0	4	45
		80	0	7	51			794	0	3	90
		82	0	0	6			798	0	1	67
बुधपुर	11	375	0	2	47	हरीपुर	10	717	0	0	37
		377	0	2	50			718	0	0	23
		391	0	0	80			719	0	0	20
		392	0	2	34			715	0	0	93
		393	0	2	5			714	0	0	55
		394	0	1	44			720	0	0	93
		395	0	0	2			722	0	0	1
		396	0	0	27			1319	0	1	78
		401	0	0	1						
		381	0	6	89						
		402	0	0	69						

1	2	3	4	5	6	1	2	3	4	5	6
हरीपुर—जारी	10	712	0	2	8	अलीशोट—जारी	8	1549	0	3	16
		733	0	2	31			1548	0	4	4
		754	0	0	76			1547	0	0	14
		753	0	1	33			1546	0	3	29
		735	0	0	97			1545	0	2	65
		748	0	0	27			1536	0	1	81
		749	0	1	13			1544	0	3	75
		750	0	5	1			1537	0	0	74
		751	0	2	47			1543	0	0	28
		752	0	1	16			1542	0	0	19
		768	0	0	4			1540	0	0	39
		767	0	0	95			1539	0	2	78
		769	0	0	28			1312	0	3	6
		770	0	1	79			1311	0	6	82
		1357	0	7	98			1310	0	4	18
		771	0	0	71			1309	0	4	27
		783	0	3	62			1307	0	0	56
		802	0	0	1			1308	0	2	48
		803	0	10	86			1306	0	5	71
		806	0	0	1			1305	0	1	4
		807	0	2	28			1328	0	0	13
		948	0	1	67			1330	0	0	14
		947	0	0	93			1304	0	0	46
		950	0	4	64			1303	0	2	78
		959	0	2	28			1331	0	2	6
		960	0	23	46			1332	0	1	32
		961	0	23	60			1335	0	0	76
		962	0	0	1			1336	0	0	7
		956	0	1	67			1300	0	2	62
		561	0	8	35			1346	0	0	11
		1278	0	0	7			1347	0	1	46
		560	0	3	90			1348	0	3	38
		963	0	5	99			1349	0	1	67
		1388	0	0	28			1285	0	4	96
		558	0	0	1			1291	0	0	27
		772	0	0	83			1284	0	3	10
अलीशोट	8	1563	0	3	90			1286	0	2	91
		1564	0	6	68			1287	0	0	2
		1565	0	3	1			1283	0	0	46
		1561	0	11	42	केन्दुआकूरी		578	0	2	78
		1560	0	4	78			657	0	0	83
		1556	0	0	19			658	0	2	0
		1943	0	2	16			577	0	0	1
		1559	0	2	27			576	0	5	19
		1942	0	4	87			579	0	2	79
		1555	0	0	2			659	0	0	27
		1554	0	0	91			575	0	3	20

1	2	3	4	5	6	1	2	3	4	5	6
		619	0	2	16			137	0	4	8
		574	0	4	81			138	0	0	46
		73	0	1	62			140	0	1	46
		84	0	0	13			642	0	2	78
		71	0	1	37			113	0	1	33
		44	0	1	0			108	0	3	73
		72	0	1	63			109	0	1	74
		67	0	0	80			103	0	1	74
		66	0	0	92			104	0	1	16
		49	0	3	61			105	0	0	47
		39	0	3	52			90	0	5	96
		54	0	3	10			89	0	3	27
		53	0	3	31			88	0	2	37
		515	0	6	61			91	0	9	55
		518	0	1	16			87	0	4	45
		516	0	0	90			404	0	0	92
		502	0	6	7			696	0	1	29
		501	0	3	24			517	0	0	97
		492	0	2	69						
		493	0	6	12						
		479	0	6	7						
		324	0	8	35						
		323	0	0	20						
		329	0	3	71						
		330	0	1	12						
		650	0	2	72						
		651	0	4	40						
		331	0	1	15						
		328	0	0	69						
		393	0	5	94						
		394	0	0	85						
		648	0	3	90						
		417	0	4	48						
		396	0	0	23						
		416	0	4	92						
		415	0	1	85						
		413	0	0	9						
		414	0	0	74						
		37	0	1	40						
		402	0	1	40						
		403	0	5	56						
		646	0	0	14						
		405	0	0	44						
		372	0	10	16						
		134	0	1	11						
		135	0	0	9						
		133	0	0	97						
		136	0	1	11						

[संख्या प्रार-31015/1/96-प्रो प्रार-1(पार्ट-3)]

के.सी. कटोच, प्रवर सचिव

New Delhi, the 26th December, 1996

S.O. 52.—Whereas by the Notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1477, dated the 24th May, 1996, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention of acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines for the transport of crude from Haldia in the state of West Bengal to Barauni the State of Bihar;

And whereas, the copies of the said notification were made available to the public on the 14th August 1996;

And whereas, the competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, the exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification are hereby acquired for laying pipelines;

And further, in exercise of the powers conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

## SCHEDULE

Police Station : Dubrajpur District : Birbhum State : West Bengal					
Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centi- ares
1	2	3	4	5	6
Khagra	210	316	0	6	91
		315	0	0	1
		314	0	6	30
		311	0	8	8
		312	0	0	55
		310	0	4	78
		345	0	6	68
		368	0	1	39
		297	0	0	83
		258	0	0	74
		259	0	2	27
		366	0	0	55
		256	0	11	48
		110	0	2	69
		255	0	0	55
		341	0	7	76
		253	0	0	83
		115	0	3	1
		114	0	1	48
		105	0	19	68
		118	0	4	47
		119	0	7	98
		120	0	0	83
		102	0	1	44
		419	0	6	26
		104	0	4	41
		417	0	1	15
		90	0	6	12
		89	0	0	55
		88	0	5	56
		87	0	7	14
		86	0	4	63
		29	0	1	4
		35	0	6	96
		31	0	7	77
		30	0	0	90
		32	0	0	57
		17	0	6	26
		22	0	0	1
		18	0	0	13
		20	0	2	8
		355	0	3	57
Paduma	211	2125	0	6	93
		2121	0	14	10
		2120	0	15	38
		2119	0	3	1
Bodhgram	208	994	0	0	83
		992	0	1	50
		985	0	0	87
		984	0	6	60
		983	0	2	77
		982	0	0	98
		978	0	14	94
		975	0	0	18

1	2	3	4	5	6
		980	0	1	62
		961	0	0	80
		960	0	6	17
		959	0	3	70
		958	0	5	45
		955	0	3	24
		954	0	5	52
		867	0	4	8
		874	0	1	13
		872	0	0	57
		873	0	9	78
		875	0	0	56
		877	0	0	1
		876	0	8	18
		878	0	3	61
		852	0	4	3
		851	0	0	13
		840	0	7	57
		846	0	0	16
		841	0	11	23
		842	0	0	1
		827	0	0	1
		826	0	3	48
		825	0	1	21
Kota	158	1605	0	12	50
		1604	0	0	97
		1603	0	0	1
		1589	0	12	76
		1588	0	4	45
		1587	0	5	84
		1571	0	1	29
		1570	0	0	1
Bhaluka	207	277	0	6	7
		231	0	7	79
		227	0	14	20
		225	0	2	31
		224	0	1	57
		88	0	3	31
		87	0	4	33
		86	0	1	78
		91	0	0	69
		84	0	0	1
		85	0	1	94
		83	0	3	61
		81	0	6	72
		94	0	0	1
		95	0	5	56
		99	0	8	44
		97	0	2	3
Dakshin Chandipur 160		98	0	4	1
		37	0	3	71
		38	0	0	36
		36	0	1	85
		35	0	3	24
		34	0	6	30
		33	0	0	55
		274	0	7	28
		273	0	6	7
		682	0	12	52
		681	0	5	12

1	2	3	4	5	6	1	2	3	4	5	6
Dakshin Chandipur—Contd.						Rengna—Contd.					
		269	0	13	31			2562	0	1	78
		261	0	0	98			2398	0	0	38
								2563	0	3	71
								2400	0	0	41
Birori	164	815	0	16	33			2314	0	4	43
		814	0	0	1			959	0	0	55
		816	0	0	46			830	0	22	83
		813	0	5	10			832	0	2	78
		657	0	1	38			831	0	4	11
		658	0	2	67			835	0	1	85
		656	0	3	24			840	0	0	82
		655	0	5	61			837	0	5	56
		654	0	2	0			839	0	3	89
		665	0	0	50			838	0	3	6
		652	0	0	41			1114	0	4	45
		653	0	4	35			790	0	11	13
		647	0	3	19			789	0	0	1
		646	0	0	20			780	0	5	28
		645	0	10	53			782	0	0	1
		492	0	5	79			779	0	1	67
		644	0	1	66			781	0	2	78
		642	0	0	55			548	0	6	12
		505	0	0	27			547	0	0	22
		504	0	2	78			542	0	2	42
		500	0	1	11			543	0	2	77
		501	0	0	69			544	0	5	1
		502	0	2	59			539	0	3	34
		503	0	5	34			540	0	1	23
		495	0	0	1			538	0	4	17
		496	0	3	33			537	0	5	84
		497	0	0	42			535	0	0	21
		490	0	2	97			532	0	4	45
		489	0	3	34			531	0	2	75
		933	0	0	18			530	0	3	80
		406	0	7	79			526	0	0	23
		902	0	1	85			529	0	9	74
		405	0	0	1			528	0	0	89
		402	0	2	22			580	0	2	43
		397	0	5	73			215	0	2	50
		396	0	4	22			1093	0	10	2
		449	0	2	92			1092	0	0	92
		384	0	2	31			335	0	9	75
		844	0	3	33			1153	0	10	29
		383	0	9	4			315	0	2	50
		386	0	7	5			314	0	0	88
		404	0	1	85			313	0	4	73
								312	0	0	20
Rengna	163	2466	0	0	1			309	0	1	94
		2465	0	3	33			305	0	14	75
		2459	0	8	16			1143	9	0	70
		2458	0	6	86			278	0	1	13
		2450	0	3	33			280	0	3	61
		2451	0	10	46			279	0	3	75
		2449	0	4	59			274	0	0	28
		2370	0	0	47			282	0	8	35
		2369	0	11	55			283	0	3	33
		2582	0	0	30			284	0	4	3
		2366	0	7	65			286	0	1	24
		2380	0	21	16			287	0	6	69
		2361	0	1	11			289	0	0	80
		2382	0	2	96			8	0	11	12
		2384	0	1	39						
		2385	0	5	84						
		2387	0	5	84						
		2396	0	5	32						
		2395	0	0	23						
		2397	0	6	68						
						Dakshin	150	240	0	2	91
						Gopalpur					
								239	0	1	56

1	2	3	4	5	6	1	2	3	4	5	6
Pachlars	168	3349	0	7	79	Pachlars—Contd.	2068	0	3	33	
		3426	0	3	61		2825	0	4	1	
		3425	0	0	89		2826	0	1	11	
		3421	0	0	1		2827	0	2	87	
		3390	0	16	14		2828	0	2	50	
		3418	0	0	66		1819	0	0	9	
		3397	0	5	1		1818	0	8	51	
		3398	0	2	99		1763	0	0	13	
		3395	0	6	17		1764	0	2	29	
		3437	0	0	1		1766	0	3	96	
		3364	0	0	27		1768	0	0	1	
		3362	0	5	10		1769	0	3	37	
		3370	0	2	8		1816	0	3	71	
		3363	0	0	99		1777	0	1	93	
		3369	0	4	91		1815	0	0	4	
		2678	0	2	97		1778	0	3	61	
		3368	0	1	11		1803	0	1	4	
		2773	0	0	1		1802	0	2	92	
		2671	0	4	31		1801	0	1	95	
		3367	0	0	9		1800	0	3	86	
		2710	0	1	37		1852	0	0	4	
		2709	0	5	73		1857	0	3	3	
		2708	0	4	8		1859	0	6	5	
		2707	0	1	10		1860	0	0	83	
		2706	0	0	20		1861	0	0	1	
		2705	0	4	22		1862	0	0	61	
		2704	0	0	90		1863	0	2	50	
		2682	0	0	40		1864	0	0	50	
		2703	0	1	33		1870	0	2	92	
		2701	0	0	1		1887	0	3	82	
		2700	0	7	79		1888	0	0	62	
		2683	0	0	8		1869	0	0	1	
		2737	0	1	4		1871	0	1	16	
		2699	0	2	89		1876	0	2	31	
		2696	0	0	4		1875	0	2	87	
		2697	0	0	95		1873	0	0	18	
		2698	0	3	26		1874	0	0	40	
		2692	0	0	48		1878	0	0	69	
		2739	0	0	51		1879	0	0	1	
		2741	0	3	12		1642	0	0	37	
		2742	0	6	40		1641	0	1	34	
		2743	0	2	46		1639	0	0	83	
		2747	0	0	1		1637	0	2	8	
		2746	0	0	33		1634	0	0	13	
		2745	0	1	15		1632	0	0	23	
		2744	0	1	23		1621	0	5	61	
		2590	0	2	31		1628	0	1	99	
		2591	0	0	26		1627	0	1	22	
		2589	0	3	97		1626	0	0	33	
		2766	0	8	35		1625	0	2	46	
		2767	0	0	13		1629	0	3	12	
		3482	0	0	87		1624	0	0	13	
		2126	0	0	71		691	0	0	82	
		2125	0	9	32		692	0	3	71	
		2124	0	0	1		690	0	1	52	
		2090	0	3	50		688	0	0	14	
		2089	0	1	85		687	0	0	72	
		2102	0	0	13		685	0	2	18	
		2101	0	0	42		684	0	7	40	
		2092	0	0	83		1588	0	1	48	
		2093	0	0	72		657	0	1	8	
		2088	0	0	58		658	0	2	89	
		3547	0	2	85		661	0	2	82	
		2098	0	3	82		662	0	2	27	
		2096	0	1	71		663	0	0	1	
		2097	0	2	19		543	0	0	13	
		2099	0	0	76		540	0	1	5	



1	2	3	4	5	6	1	2	3	4	5	6
Pachlara	168	539	0	11	13	Chandrapur	169	1028	0	0	12
		1579	0	2	46	(Coned.)		1071	0	0	46
		521	0	3	12			1070	0	5	99
		519	0	5	75			1069	0	1	84
		515	0	2	23			1039	0	4	26
		516	0	5	75			1033	0	1	94
		1578	0	0	3			1046	0	0	69
		1640	0	0	83			1035	0	0	1
		3396	0	0	68			1066	0	0	55
		683	0	3	89			1045	0	20	24
		538	0	6	71			1044	0	0	92
								1039	0	6	68
Chandrapur	169	1939	0	27	97			998	0	6	68
		1851	0	0	41			695	0	1	87
		1850	0	12	16			683	0	0	84
		1849	0	7	89			694	0	2	50
		1859	0	1	7			665	0	1	85
		1860	0	1	67			657	0	1	46
		1861	0	0	48			658	0	7	47
		1862	0	0	2			659	0	0	32
		1863	0	6	38			660	0	1	91
		1864	0	0	31			606	0	0	13
		1830	0	3	80			661	0	1	76
		1823	0	3	44			605	0	2	95
		1865	0	1	71			604	0	3	66
		1821	0	6	88			608	0	0	48
		1822	0	0	28			589	0	10	26
		1813	0	7	5			591	0	1	29
		1811	0	3	37			592	0	2	9
		1810	0	5	5			588	0	6	71
		1809	0	0	18			587	0	0	10
		1802	0	2	36			586	0	1	24
		1801	0	0	4			584	0	0	34
		1803	0	4	23			585	0	3	24
		1806	0	0	48			1812	0	0	32
		1804	0	5	94			1031	0	1	40
		1442	0	2	85			812	0	1	0
		1440	0	2	40			813	0	2	0
		1438	0	3	86			582	0	0	50
		1437	0	0	98			1087	0	1	8
		1436	0	0	1						
		1227	0	1	97						
		1453	0	1	4						
		1444	0	1	24	Ilaturpur	143	233	0	1	12
		1451	0	0	3			234	0	2	40
		1452	0	1	50			235	0	2	42
		1454	0	3	46			231	0	0	40
		1455	0	3	69			230	0	0	32
		1456	0	0	10			243	0	1	89
		1457	0	6	33			244	0	0	92
		1461	0	2	69			245	0	2	15
		1462	0	6	43			246	0	1	76
		1463	0	0	30			242	0	0	20
		1467	0	0	41			247	0	0	1
		1468	0	5	63			248	0	0	84
		1469	0	0	18			249	0	0	8
		1098	0	5	49			259	0	5	56
		1094	0	0	65			258	0	5	42
		1096	0	1	57			253	0	0	55
		1097	0	2	74			256	0	0	90
		1162	0	1	51			278	0	1	85
		1082	0	1	98			279	0	1	15
		1074	0	0	10			277	0	0	4
		1073	0	0	81			280	0	8	53
		1068	0	2	22			196	0	0	25
		2004	0	2	69			281	0	1	0

1	2	3	4	5	6	1	2	3	4	5	6
Hctampur—Contd.		282	0	3	94	Satkenduri	104	1934	0	7	17
		173	0	5	14	(Contd.)		1940	0	3	61
		174	0	0	8			1941	0	3	34
		175	0	1	85			1942	0	0	9
		172	0	3	52			1981	0	0	90
		171	0	0	68			1982	0	0	57
		145	0	3	5			1979	0	5	10
		147	0	0	18			1978	0	5	36
		148	0	1	2			1977	0	0	6
		149	0	2	54						
		150	0	1	42	Islampur	140	810	0	2	78
		160	0	1	67			826	0	0	37
		1332	0	7	87			827	0	4	95
		1331	0	0	1			842	0	0	9
		144	0	0	87			843	0	2	64
		143	0	2	5			846	0	3	71
		875	0	1	25			855	0	11	4
		137	0	3	61			854	0	9	4
		136	0	7	65			853	0	1	25
		135	0	4	3			858	0	4	45
								131	0	17	54
Mohanpur	142	649	0	0	12	Befeshuli:	130	74	0	5	43
		602	0	4	26			75	0	2	43
		601	0	15	46			74/781	0	0	1
		600	0	0	64			75/782	0	2	36
		599	0	5	42			392	0	0	57
		382	0	3	54			393	0	0	55
		380	0	0	64			394	0	1	95
		598	0	4	8			394/780	0	0	84
		379	0	3	21			394/779	0	0	55
		372	0	1	78			370	0	0	17
		371	0	1	46			371	0	0	84
		367	0	19	39			372	0	1	6
		358	0	4	56			373	0	1	46
		394	0	2	50			398	0	0	40
		353	0	9	61			374	0	2	59
		390	0	20	32			375	0	1	11
		402	0	7	81			376	0	1	32
		29	0	0	70			358	0	0	27
		399	0	1	43			361	0	4	45
		30	0	0	1			360	0	4	54
		65	0	6	12			421	0	0	69
		401	0	0	70			749	0	1	68
		68	0	8	90			337	0	1	29
		71	0	1	78			336	0	5	38
		60	0	0	8			483	0	2	4
		59	0	0	90			485	0	0	34
		72	0	2	92			486	0	1	50
		73	0	3	36			487	0	1	24
		74	0	0	90			488	0	4	33
		58	0	4	8			505/803	0	0	1
		55	0	4	63			505	0	4	82
		53	0	2	3			489	0	0	11
		79	0	0	75			503/805	0	1	87
		52	0	0	24			475	0	1	11
		51	0	6	24			504	0	2	59
		50	0	1	67			507	0	2	48
		49	0	3	89			506	0	0	65
		2	0	16	42			505	0	3	34
		1	0	1	94			509	0	0	55
		47	0	0	20			527	0	1	80
		380	0	0	28			525	0	0	57
		384	0	0	1			524	0	0	1
								523	0	1	76
								522	0	3	6
								526	0	8	81
Satkenduri	104	1934	0	5	28						
		1933	0	0	9						
		1937	0	5	43						
		1938	0	6	82						

1	2	3	4	5	6	1	2	3	4	5	6
Beleshuli	139	542	0	3	34	Panditpur	111	254	0	0	72
		543	0	9	88	(Contd.)		257	0	0	40
		544	0	0	10			259	0	0	86
		674	0	2	50			270	0	2	63
		675	0	3	13			980	0	0	62
		672	0	2	83			981	0	0	51
		755	0	21	72			982	0	0	1
		680	0	0	1			985	0	0	62
		502	0	0	1			1018	0	1	46
		508	0	0	4			1019	0	0	97
								1020	0	0	78
Azdulla	106	690	0	2	36			1025	0	2	31
		692	0	2	8			1024	0	1	19
		694	0	10	25			1023	0	0	16
		685	0	12	80			1022	0	2	84
		581	0	0	18			1021	0	11	82
		683	0	9	70			1142	0	4	94
		684	0	4	38			1141	0	7	24
		585	0	0	21			1143	0	3	9
		587	0	8	37			1139	0	6	68
		588	0	1	62			1145	0	1	36
		591	0	0	87			1137	0	2	85
		675	0	9	19			1133	0	3	34
		705	0	6	68			1136	0	0	21
		946	0	0	83			1134	0	1	39
		713	0	7	58			1619,	0	1	30
		712	0	0	38			1690	0	2	41
		709	0	4	36			1132	0	7	10
		710	0	6	35			1862	0	1	95
		691	0	1	22			1706	0	2	99
		693	0	0	60			1707	0	0	30
		844	0	30	7			1705	0	0	40
								1364	0	0	30
Nunedl	110	16	0	2	33			1365	0	11	50
		17	0	18	17			1372	0	6	26
		21	0	8	44			1367	0	7	24
		23	0	6	86			1337	0	3	99
		24	0	3	43			1645	0	19	76
		34	0	2	22			1644	0	6	34
		29	0	0	1			1451	0	0	71
		45	0	7	96			1449	0	0	6
		53	0	0	2			1442	0	0	16
		52	0	0	11			1443	0	1	78
		55	0	0	60			1509	0	1	83
		46	0	0	87			987	0	5	76
		47	0	1	16			1693	0	0	21
		48	0	2	39			1366	0	0	69
		49	0	4	17			1447	0	1	67
		152	0	2	44						
		151	0	5	75						
		143	0	9	46						
		142	0	8	20	Rupsimuli	112	529	0	6	89
		129	0	7	74			527	0	0	9
		130	0	0	46			526	0	2	60
		141	0	4	1			521	0	4	85
		140	0	0	18			525	0	3	88
		132	0	8	46			524	0	3	21
								522	0	2	99
JangalDubrajpur	138	72	0	21	27			510	0	9	60
		78	0	0	6			509	0	7	13
		77	0	1	98			504	0	0	20
		74	0	2	20			495	0	6	15
								500	0	0	35
Panditpur	111	275	0	0	83			469	0	0	6
		276	0	1	78			468	0	9	92
		277	0	0	31			467	0	1	6
		256	0	7	99			1448	0	0	65



1	2	3	4	5	6	1	2	3	4	5	6
Balijuri	21	2808	0	1	33	Kholakudi	5	47	0	0	77
		602	0	1	21	(contd)		48	0	1	46
		614	0	0	1			49	0	11	91
		615	0	3	62			50	0	1	52
		2811	0	2	24			31	0	3	80
		616	0	0	45			32	0	0	50
		619	0	1	39			33	0	1	25
		620	0	1	39			117	0	4	45
		621	0	1	35			2	0	1	12
		622	0	4	10			966	0	2	22
		623	0	0	90			305	0	0	24
		624	0	3	90			1201	0	0	10
		625	0	0	20	Lakhmi-	4	322	0	0	8
		578	0	3	6	nagayanpur					
		576	0	2	59						
		2772	0	3	24			734	0	7	15
								292	0	0	69
Gopal Nagar	30	1634	0	19	30	Punglapur	3	517	0	4	22
		1195	0	8	53			960	0	2	44
		1194	0	9	56			961	0	0	92
		1201	0	7	42			962	0	0	51
		1186	0	4	64			963	0	0	40
		1112	0	2	12			964	0	0	1
		1111	0	0	97			518	0	3	89
		1197	0	7	65			520	0	0	40
		1053	0	0	84			521	0	1	85
		1183	0	5	75			497	0	3	34
		1196	0	39	65			498	0	2	22
Kuraljuri	6	545	0	31	38			499	0	0	97
								500	0	8	35
Kholakudi	5	1174	0	2	0			501	0	0	1
		979	0	28	38			489	0	0	25
		978	0	3	27			491	0	1	25
		975	0	3	71			485	0	1	39
		974	0	3	61			488	0	1	25
		973	0	2	0			486	0	1	46
		983	0	3	13			484	0	0	1
		970	0	4	17			487	0	3	5
		969	0	2	58			478	0	0	1
		971	0	0	20			475	0	0	40
		963	0	1	85			479	0	3	5
		964	0	1	93			480	0	3	89
		968	0	2	54			538	0	0	40
		967	0	0	46			453	0	1	66
		965	0	2	16			447	0	0	1
		301	0	0	55			444	0	0	40
		302	0	10	2			437	0	3	33
		303	0	0	10			436	0	2	22
		311	0	0	85			440	0	0	55
		228	0	0	23			420	0	0	55
		230	0	4	59			421	0	0	97
		227	0	7	19			422	0	1	85
		232	0	0	1			425	0	4	45
		202	0	4	17			424	0	0	1
		226	0	5	1			426	0	0	40
		224	0	8	35			427	0	0	60
		220	0	1	46			417	0	6	11
		222	0	0	41			411	0	0	40
		219	0	0	4			410	0	0	40
		218	0	1	85			412	0	0	64
		217	0	0	55			414	0	2	78
		216	0	0	27			415	0	2	3
		215	0	0	34			416	0	0	69
		44	0	2	3			371	0	4	56
		42	0	3	13			372	0	2	50
		46	0	0	54						

1	2	3	4	5	6	1	2	3	4	5	6
Punglapur	3	373	0	0	60						
(contd)		273	0	6	68			394	0	1	44
		274	0	4	17			395	0	0	2
		275	0	6	12			396	0	0	27
		276	0	0	1			401	0	0	1
		271	0	0	40			381	0	6	89
		268	0	13	36			402	0	0	69
		258	0	21	86			403	0	3	54
		266	0	0	40			409	0	0	1
		260	0	0	1			408	0	2	24
		259	0	4	45			404	0	0	21
		250	0	0	69			405	0	0	59
		1315	0	0	60			406	0	0	55
		249	0	5	56			407	0	2	8
		519	0	2	83			412	0	0	97
		490	0	4	45			627	0	3	89
Police Station : Khoyrasole District : Birbhum								636	0	0	17
State : West Bengal								414	0	2	0
1	2	3	4	5	6			625	0	0	56
Anandanagar	12	1979	0	4	45			622	0	1	53
		1977	0	13	55			621	0	2	78
		1965	0	14	1			616	0	3	62
		1972	0	16	62			593	0	8	35
		1971	0	1	12			614	0	0	1
		502	0	3	16			1043	0	16	70
		488	0	0	41			612	0	9	4
		283	0	5	1			588	0	1	48
		284	0	5	54			589	0	0	78
		282	0	0	14			582	0	0	1
		285	0	2	78			587	0	3	56
		288	0	0	1			586	0	5	19
		296	0	1	46			593	0	4	64
		295	0	1	28			585	0	0	1
		294	0	5	84			786	0	8	81
		2515	0	3	89			785	0	0	10
		302	0	13	96			789	0	1	42
		300	0	3	89			788	0	2	29
		301	0	1	12			790	0	2	61
		307	0	8	74			791	0	1	53
		306	0	0	93			797	0	2	4
		308	0	3	15			792	0	1	86
		568	0	0	64			795	0	4	45
		37	0	1	12			794	0	3	90
		36	0	2	57			798	0	1	67
		38	0	3	85			584	0	0	73
		39	0	0	1						
		46	0	35	14			717	0	0	37
		47	0	0	1			718	0	0	23
		48	0	0	9			719	0	0	20
		49	0	1	67			715	0	0	93
		50	0	5	7			714	0	0	55
		45	0	1	42			720	0	0	93
		31	0	0	97			722	0	0	1
		51	0	1	12			1319	0	1	78
		52	0	3	62			712	0	2	8
		53	0	1	77			733	0	2	31
		55	0	0	60			754	0	0	76
		68	0	12	56			753	0	1	33
		69	0	1	57			735	0	0	97
		78	0	0	83			748	0	0	27
		79	0	5	0			749	0	1	13
		80	0	7	51			750	0	5	1
		82	0	0	6			751	0	2	47
		375	0	2	47			752	0	1	16
		376	0	8	2			768	0	0	4
		377	0	2	50			767	0	0	95
		391	0	0	80			769	0	0	28
		393	0	2	5			770	0	1	79
Budhpur	11										

1	2	3	4	5	6	1	2	3	4	5	6
Maripur-contd.	1357	0	7	98		Allot-contd.	1285	0	4	96	
	771	0	0	71			1291	0	0	27	
	783	0	3	62			1284	0	3	10	
	802	0	0	1			1286	0	2	91	
	803	0	10	86			1287	0	0	2	
	806	0	0	1			1283	0	0	46	
	807	0	2	28		Kenduakuri	7	578	0	2	78
	948	0	1	67			657	0	0	83	
	947	0	0	93			658	0	2	0	
	950	0	4	64			577	0	0	1	
	959	0	2	28			576	0	5	19	
	960	0	23	60			579	0	2	79	
	961	0	23	60			659	0	0	27	
	962	0	0	1			575	0	3	20	
	956	0	1	67			619	0	2	16	
	561	0	8	35			574	0	4	81	
	1278	0	0	7			573	0	1	62	
	560	0	3	90			584	0	0	13	
	963	0	5	99			571	0	1	37	
	1388	0	0	28			544	0	1	0	
	558	0	0	1			572	0	1	63	
	772	0	0	83			567	0	0	80	
Allot	8.	1563	0	3	90		566	0	0	92	
		1564	0	6	68		549	0	3	61	
		1565	0	3	1		539	0	3	52	
		1561	0	11	42		554	0	3	10	
		1560	0	4	78		553	0	3	31	
		1556	0	0	19		515	0	6	61	
		1943	0	2	19		518	0	1	16	
		1559	0	2	27		516	0	0	90	
		1942	0	4	87		502	0	6	7	
		1555	0	0	2		501	0	3	24	
		1554	0	0	91		492	0	2	69	
		1549	0	3	16		493	0	6	12	
		1548	0	4	4		479	0	6	7	
		1547	0	0	14		324	0	8	35	
		1546	0	3	29		323	0	0	20	
		1545	0	2	65		329	0	3	71	
		1536	0	1	81		330	0	1	12	
		1544	0	3	75		650	0	2	72	
		1537	0	0	74		651	0	4	40	
		1543	0	0	28		331	0	1	15	
		1542	0	0	19		328	0	0	69	
		1540	0	0	39		393	0	5	94	
		1330	0	2	78		394	0	0	85	
		1312	0	3	6		643	0	3	90	
		1311	0	6	82		417	0	4	48	
		1310	0	4	18		396	0	0	23	
		1309	0	4	27		416	0	4	92	
		1307	0	0	56		415	0	1	85	
		1308	0	2	48		413	0	0	9	
		1306	0	5	71		414	0	0	74	
		1305	0	1	4		37	0	1	40	
		1328	0	0	13		402	0	1	40	
		1330	0	0	14		430	0	5	56	
		1304	0	0	46		646	0	0	14	
		1303	0	2	78		405	0	0	44	
		1331	0	2	6		372	0	10	16	
		1332	0	1	32		134	0	1	11	
		1335	0	0	76		135	0	0	9	
		1336	0	0	7		133	0	0	97	
		1300	0	2	62		136	0	1	11	
		1346	0	0	11		137	0	4	8	
		1347	0	1	46		138	0	0	46	
		1348	0	3	38		140	0	1	46	
		1349	0	1	67		642	0	2	78	

1	2	3	4	5	6
Kenduakuri--contd.	113	0	4	33	
	108	0	3	73	
	109	0	1	74	
	103	0	1	74	
	104	0	1	16	
	105	0	0	47	
	90	0	5	96	
	89	0	3	27	
	88	0	2	37	
	91	0	9	55	
	87	0	4	45	
	404	0	0	92	
	696	0	1	29	
	517	0	0	97	

[No. R-31015/1/96-OR-I/(Part-III)]

K.C. KATOCH, Under Secy.

नई दिल्ली, 26 दिसम्बर, 1996

का०आ० 53:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम (क्रूड) के परिवहन के लिए इंडियन ऑयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से जिसको, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित रूप से आक्षेप श्री विश्वनाथ बोस, सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड, हल्दिया-बरौनी क्रूड पाइपलाइन परियोजना, डाक घर—हल्दिया रिफाइनरी, जिला—मिदनापुर (पश्चिमी बंगाल) को कर सकेगा ।

अनुसूची					
पुलिस थाना : बासपुर जिला : मिदनापुर राज्य : पश्चिमी बंगाल					
गांव का नाम	अधि-कारिता सूची संख्या	प्लॉट सं०	क्षेत्रफल हेक्टेयर	आरे सेंटी-आरे	
1	2	3	4	5	6
गोभोकपोटा	237	1729	0	5	78
जोयरामचक	157	921	0	0	42
		917	0	0	57
		861	0	1	46
खेतपत	216	148	0	0	40
भागवतीपुर	211	2295	0	0	12
जोट-कानु रामगढ़	212	1268	0	9	37
		645	0	6	1
		639	0	0	8

पुलिस थाना : पंसकुरा जिला : मिदनापुर राज्य : पश्चिमी बंगाल

1	2	3	4	5	6
रामचन्द्रपुर	250	609	0	3	50

[संख्या : आर-31015/17/96-ओ०आर-1]

के०सी० कटोच, अवर सचिव

New Delhi, 26th December, 1996

S.O. 53.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the State of West Bengal to Barauni in the State of Bihar, pipelines should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein for laying pipelines;

Any person, interested in the land described in the said Schedule may within Twenty One Days from the date on which the copies of this notification



tion, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri Biswanath Bose, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Project Post Office-Haldia Refinery, District Midnapur (West Bengal).

#### SCHEDULE

Police Station : Daspur District : Midnapur State : West Bengal					
Village	Jurisdiction List No.	Plot No.	Area		
			Hectares	Ares	Centi-ares
1	2	3	4	5	6
Gomokpota	237	1729	0	5	78
Joyramchak	157	921	0	0	42
		917	0	0	57
		861	0	1	46
Chainpat	216	148	0	0	40
Bhagabatipur	211	2295	0	0	12
Jot Kanuramearh	212	1268	0	9	37
		615	0	6	1
		639	0	0	8
Police Station - Panskura District : Midnapur State : West Bengal					
Ramchandrapur	250	609	0	3	50

[No. R-31015/17/96-OR-I]  
K.C. KATOCH, Under Secy.

नई, दिल्ली, 3 जनवरी, 1997

कां०आ० 54:—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962, (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० कां०आ० 2474, तारीख 24 अगस्त, 1996 द्वारा लिक्वूफाईड पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 01 अक्टूबर, 1996 को उपलब्ध करा दी गई थीं;

उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है ;

3191 GI/96-5.

केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाता है ;

यह भी कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाए सभी विलगनों से मुक्त, इन्डियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

#### अनुसूची

तहसील : बरौंडा		जिला : करनाल		राज्य : हरियाणा	
गांव का नाम		हदबस्त मुस्तलील		क्षेत्र	
		सं०	सं०/	किला सं०/ हैक्टियर आरे	सैदी आरे
1	2	3	4	5	6
मुवा	23	94			
		16	0	24	53
		17	0	08	85
		18	0	00	25
		21	0	09	36
		22	0	12	63
		23	0	12	64
		24	0	04	05
		95			
		25	0	00	51
		97			
		16/1	0	02	53
		16/2	0	10	12
		17	0	13	15
		23	0	00	51
		24	0	00	25
		98			
		6	0	11	13
		7	0	02	53
		11	0	03	54
		12	0	12	39
		13	0	12	90

	1	2	3	4		1	2	3	4
	14/1	0	03	04		1910	0	00	51
	14/2	0	07	08		1927	0	02	53
	15	0	01	01		1942	0	00	15
	19/2	0	00	05		1943	0	12	65
	19/3	0	00	51		1944	0	06	32
	20/1	0	07	58		1946	0	12	14
	20/2	0	01	77		1947	0	06	32
	99					1956	0	02	53
	2	0	01	77		1957	0	10	12
	3	0	10	88		1958	0	10	88
	4	0	12	90		1959	0	00	76
	5	0	11	63		1963	0	08	35
	8	0	01	77		1964/1	0	05	56
	9	0	10	62		1964/2	0	06	32
	10	0	12	63		1965	0	01	77
	100					1970	0	04	30
	1	0	03	04		1971	0	08	35
बेगमपुर	24	1052	0	00	51	25	92		
		1053	0	10	12		24	0	01
		1056	0	10	88		25	0	12
		1057	0	01	77		93		
		1087	0	04	55		13	0	10
		1096	0	03	79		14	0	05
		1097	0	08	85		18	0	04
		1098	0	10	88		19	0	14
		1105	0	10	88		20	0	03
		1106	0	10	88		21	0	10
		1672/1	0	10	26		22	0	00
		1672/2	0	09	86		98		
		1674	0	11	13		2/2	0	00
		1676	0	10	88		3/1	0	03
		1677	0	10	88		3/2	0	07
		1707	0	11	13		4/1	0	06
		1708	0	10	88		4/2	0	04
		1709	0	10	88		5/1	0	01
		1711	0	10	61		8	0	03
		1713	0	00	51		9/1	0	01
		1717	0	03	28		9/2	0	12
		1718	0	06	82		10	0	06
		1719	0	04	30		11	0	08
		1720	0	07	59		99		
		1725	0	00	76		15/1	0	08
		1726	0	07	59		15/2	0	01
		1733	0	10	88		15/3	0	01
		1734	0	11	13		16	0	05
		1735	0	10	88		17	0	14
		1740	0	01	77		18/1	0	00
		1909	0	05	81		24/2	0	04

[संख्या : अरि-31015/7/96—ओ०अरि-1]

के०सी० कटोच, अवर सचिव

New Delhi, the 3rd January, 1997

S.O. 54.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2474, dated the 24th August, 1996, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying of pipeline for the transportation of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 1st day of October, 1996;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification are hereby acquired:

And further in exercise of the power conferred by the sub-section (4) of the said section, the Central Government hereby directs that the right of the user in the said lands shall instead of vesting in the Central Government, vest, free of all encumbrances, in the Indian Oil Corporation Limited.

## SCHEDULE

Tehsil: GHARAUNDA District : KARNAL State : HARYANA

Name of Village	Hadbast No.	Mustateel Killa No.	Area		
		Khasra No.	Hectare	Acre	Centiare
1	2	3	4	5	6
GUDHA	23	94			
		16	0	24	53
		17	0	08	85
		18	0	00	25
		21	0	09	36
		22	0	12	65
		23	0	12	64
		24	0	04	05
		95			
		25	0	00	51
		97			
		16/1	0	02	53
		16/2		10	12
		17	0	13	15
		23	0	00	51
		24	0	00	25
		98			
		6	0	11	13
		7	0	02	53
		11	0	03	54
		12	0	12	39
		13	0	12	00

	1	2	3	4	5	6
			14/1	0	03	04
			14/2	0	07	08
			15	0	01	01
			19/2	0	00	05
			19/3	0	00	51
			20/1	0	07	58
			20/2	0	01	77
			99			
			2	0	01	77
			3	0	10	88
			4	0	12	90
			5	0	11	63
			8	0	01	77
			9	0	10	62
			10	0	12	63
			100			
			1	0	03	04
REGAM PUR	24	1052	0	00	51	
		1055	0	10	12	
		1056	0	10	88	
		1057	0	01	77	
		1087	0	04	55	
		1096	0	03	79	
		1097	0	08	85	
		1098	0	10	88	
		1105	0	10	88	
		1106	0	10	88	
		1672/1	0	01	26	
		1672/2	0	09	86	
		1674	0	11	13	
		1676	0	10	88	
		1677	0	10	88	
		1707	0	11	13	
		1708	0	10	88	
		1709	0	10	88	
		1711	0	10	61	
		1713	0	00	51	
		1717	0	03	28	
		1718	0	06	82	
		1719	0	04	30	
		1720	0	07	59	
		1725	0	00	76	
		1726	0	07	59	
		1733	0	10	88	
		1734	0	11	13	
		1735	0	10	88	
		1740	0	01	77	
		1909	0	05	81	
		1910	0	00	51	
		1927	0	02	53	
		1942	0	00	15	
		1943	0	12	65	
		1944	0	06	32	
		1946	0	12	14	
		1947	0	06	32	
		1956	0	02	53	
		1957	0	10	12	
		1958	0	10	88	
		1959	0	00	76	
		1963	0	08	35	
		1964/1	0	05	56	
		1964/2	0	06	32	
		1965	0	01	77	
		1970	0	04	30	
		1971	0	08	35	

1	2	3	4	5	6
DADLANA	25	92			
		24	0	01	01
		25	0	12	90
		93			
		13	0	10	62
		14	0	05	06
		18	0	04	05
		19	0	14	42
		20	0	03	04
		21	0	10	38
		22	0	00	10
		98			
		2/2	0	00	05
		3/1	0	03	29
		3/2	0	07	33
		4/1	0	06	32
		4/2	0	04	05
		5/1	0	01	01
		8	0	03	29
		9/1	0	01	01
		9/2	0	12	65
		10	0	06	32
		11	0	08	85
		99			
		15/1	0	08	09
		15/2	0	01	01
		15/3	0	01	01
		16	0	05	31
		17	0	14	42
		18/1	0	00	10
		24/2	0	04	81

[File No. R-31015/7/96-UR-I]  
K. C. KATOCH, Under Secy.

नई दिल्ली, 7 जनवरी, 1997

का.आ. 55.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तम्भ (1) में विनिर्दिष्ट प्राधिकारी को, उक्त अनुसूची के स्तम्भ (2) में की सत्त्वानी प्रविष्टि में विनिर्दिष्ट क्षेत्रों के भीतर, उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिये प्राधिकृत करती है, अर्थात् :-

#### अनुसूची

प्राधिकारी का नाम और पता	क्षेत्राधिकार
(1)	(2)
श्री रमेश चन्द गुप्ता, आर.ए.एस., भूमि अर्जन अधिकारी, इंडियन आयल कॉर्पोरेशन लिमिटेड, वीरमगाम-चाकसु-पानीपत पाइपलाइन प्रोजेक्ट, बी-21 ए, शिव मार्ग, बनीपार्क, जायपुर-302016 (राजस्थान)	राजस्थान राज्य

[सं. आर-31015/19/96-ओ.-आर. 1]

के सी कटोच, अवर सचिव

New Delhi, the 7th January, 1997

S.O. 55. In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorise the authority mentioned in column (1) of the Schedule below to perform the functions of the competent authority under the said Act, within the area specified in the corresponding entry in column (2) of the said Schedule.

#### Schedule

Name and address of the authority	Area of jurisdiction
(1)	(2)

Shri Ramesh Chand Gupta, R.A.S., State of  
Land Acquisition Officer, Rajasthan  
Indian Oil Corporation Limited,  
Viramgam-Chaksu-Panipat Pipeline  
Project,  
B-21 A, Shiv Marg, Bani Park,  
Jaipur-302016.  
Rajasthan

[No R-31015/19/96-OR-1]  
K.C. Katoch, Under Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 23 दिसम्बर, 1996

का.आ. 56.—राष्ट्रपति पवन हंस हैलीकाप्टर्स लिमिटेड (पहले पवन हंस लिमिटेड के रूप में ज्ञात) के संगम आपन और संगम अनुच्छेद के अनुच्छेद 40 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मेजर जनरल (समानित) जी.एस. हुण्डल को दिनांक 27 नवम्बर, 1996 (अथवा) से 30 जून, 1998 तक अनुसूची "ख" रुपये 12000-14000 के वेतनमान में पवन हंस हैलीकाप्टर्स लिमिटेड के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करते हैं।

[संख्या एबी.-13015/4/95(ए.सी.वी.एल.)/बी.ई.]  
सुरेन्द्र कुमार मिश्र, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 23rd December, 1996

S.O. 56.—In exercise of the powers conferred by Article 40 of the Memorandum and Articles of Association of Pawan Hans Helicopters Limited (formerly known as Pawan Hans Limited), the President is pleased to appoint Major General (Retd.) G. S. Hundal as Chairman-cum-Managing Director, Pawan Hans Helicopters Limited, in schedule 'B', scale of pay of Rs. 12000—14000 with effect from 27-11-1996 (AN) upto 30th June, 1998.

[No. AV. 13015/4/95(ACVL)/VE]

S. K. SINGHAL, Under Secy.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

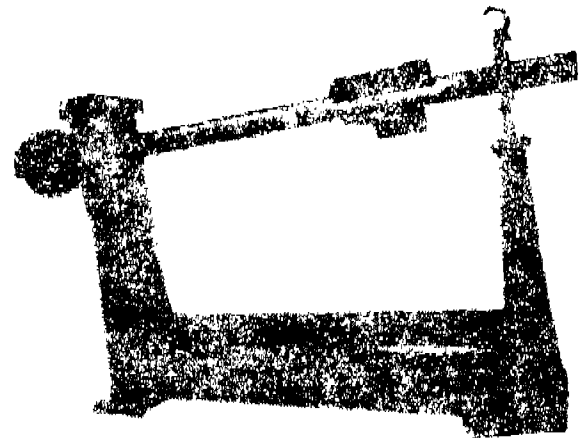
नई दिल्ली, 23 दिसम्बर, 1996

का.आ. 57.—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा निवेदित रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित (नीचे आकृति देखिए) माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग III की डब्ल्यू एम डब्ल्यू सिरीज टाइप के "वेटेक्स" ब्रांड नाम वाले स्वतः सूचक गैर-स्वचालित यांत्रिक तुला चौकी के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स वेटेक्स इंडिया लिमिटेड, 1-3-176/35/22/26, भाग्यलक्ष्मी नगर, कवाडी-गुडा, हैदराबाद-500080 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/96/20 समनुद्दिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग III) का बोलन उपकरण है जिसकी अधिकतम क्षमता 30000 किलोग्राम और न्यूनतम क्षमता 100 किलोग्राम है। स्थापन मापमान अन्तर (ई) 5 किलोग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार मेक्शन का

है जिसका आकार 9×3 मीटर है। प्रकाश डार्कन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 250 वोल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



(आकृति)

आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 5 टन/1 किलोग्राम, 10 टन/2 किलोग्राम, 15 टन/2 किलोग्राम, 20 टन/5 किलोग्राम, 30 टन/5 किलोग्राम, 40 टन/5 किलोग्राम, 50 टन/10 किलोग्राम, 60 टन/10 किलोग्राम, 80 टन/10 किलोग्राम और 100 टन/20 किलोग्राम की अधिकतम क्षमता वाले समस्त मैक, यथार्थता और उसी सिरीज के कार्यकरण वाले बोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू. एम 21(2)/95]

राजीव श्रीवास्तव, संयुक्त सचिव

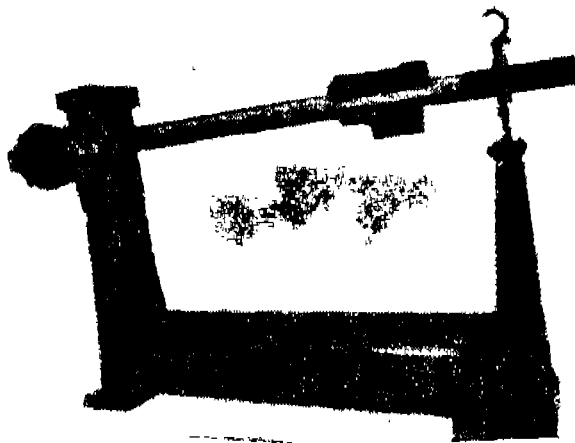
MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, the 23rd December, 1996

S.O. 57.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating non-automatic mechanical weighbridge of type WMW series of class III medium accuracy with brand name "WEITEX" (hereinafter called the model) manufactured by M/S Weitex India Limited, 1-3-176/35/22/26, Bhagyalaxminagar, Kavadiguda, Hyderabad-500051, and which is assigned the approval mark IND/09/95/20.

The model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 30000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of size 9×3 metre. The LED display indicates the weighing results. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 5t/1 kg., 10t/2 kg., 15t/2 kg., 20t/5 kg., 30t/5 kg., 40t/5 kg., 50t/10 kg., 60t/10 kg., 80t/10 kg., and 100t/20kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(2)/95]

RAJIV SRIVASTAVA, Jt. Secy.

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 3 जनवरी, 1997

का.आ. 58 :—दिल्ली विकास (मुख्य योजना तथा क्षेत्रीय विकास योजना) नियम, 1959 के नियम 5 के साथ पठित दिल्ली विकास अधिनियम, 1957 (1957 का 61)

की धारा 10(1) के अन्तर्गत राष्ट्रीय राजधानी क्षेत्र दिल्ली की क्षेत्रीय विकास योजना के प्रारूप को तैयार करने तथा उसके प्रकाशन के लिए सूचना।

एतद्वारा सूचना दी जाती है कि :—

(क) राष्ट्रीय राजधानी क्षेत्र दिल्ली में जोन "एक" (उत्तरी दिल्ली) के लिए एक क्षेत्रीय विकास योजना का प्रारूप तैयार कर लिया गया है।

(ख) उसकी एक प्रति निरीक्षक के लिए भूतल विकास मीनार, आई.पी. एस्टेट, नई दिल्ली स्थित दिल्ली विकास प्राधिकरण के कार्यालय में अगले दौरा 3 में उल्लिखित तारीख तक सभी कार्य दिवसों के दौरान प्रातः 11.00 बजे से सायं 5.00 बजे तक उपलब्ध होगी।

2. इस प्रारूप योजना के संबंध में एतद्वारा आपत्ति एवं सुझाव आमंत्रित किए जाते हैं।

3. आपत्ति एवं सुझाव लिखित रूप में आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, बी ब्लॉक, आई. एन.ए., नई दिल्ली-110023 को सन् 1997 के महीने अप्रैल की 11 तारीख से पहले भेजें।

आपत्ति अथवा सुझाव भेजने वाले व्यक्ति को अपना नाम एवं पता भी अवश्य देना चाहिए।

[फाइल सं. एफ. 1(1)/93-जेंड.पी.]

विश्व मोहन बंसल, आयुक्त एवं सचिव

नई दिल्ली

दिनांक 11-1-97

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 3rd January, 1997

S.O. 58 :—Notice under section 10 (1) of the Delhi Development Act, 1957 (No. 61 of 1957) read with rule 5 of the Delhi Development (Master Plan and Zonal Development Plan-Rules 1959) of the preparation and publication of the draft of the Zonal Development Plan for the National Capital Territory of Delhi.

Notice is hereby given that:

(a) A draft of a Zonal Development Plan for Zone 'H' (North Delhi) in the National Capital Territory of Delhi has been prepared.

(b) A copy thereof will be available for inspection in the office of the Delhi Development Authority, on Ground Floor Vikas Minar, I.P. Estate, New Delhi between hours of 11.00 A.M. to 5 P.M. on all working days till the date mentioned in para '3' hereinafter.

2. Objections and suggestions are hereby invited with respect to this draft plan.

3. The objections or suggestions may be sent in writing to the Commissioner-Cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi-110023 before the 11th day of April, 1997.

Any person making the objections or suggestions should also give his name and address.

[No. F.1(1) 93-ZP]

V.M. BANSAL, Commissioner-Cum-Secy.

New Delhi

Dated 11-1-97

नई दिल्ली, 11 दिसम्बर, 1996

not, what relief the workman is entitled to ?”

का.आ. 59—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में केन्द्रीय सरकार द्वारा सी.एल. के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सुम्बई नं. 2 के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 9-12-96 को प्राप्त हुआ था।

[संख्या एन-22012/476/95-आई आर (सी-II)]

एस. रविश अली, डैस्क अधिकारी

New Delhi, the 11th December, 1996

S.O. 59.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Mumbai No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd. and their workmen, which was received by the Central Government on the 9-12-1996.

[No. L-22012/476/95 IR(C.II)]

S. RAVISH ALI, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI  
PRESENTS :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/17 of 1996

Employers in relation to the Management of New  
Mazari Open Cast Mine

AND

Their Workmen

APPEARANCES :

For the Management : Mr. B. N. Prasad, Advocate.

For the Workmen : Mr. R. M. Bhongade, Advocate.

Mumbai, dated 20th November, 1996

## AWARD—PART-I

The Government of India, Ministry of Labour, by its order No. L-22012/476/95-IR(II), dated 13-3-96 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Sub Area Manager New Majri Opencast Sub Area WCL, PO : Shivjinagar, Distt. Chandrapur vide letter No. WCO/NMOCSA/SAM/PER/95/153 dt. 14-4-1995 in dismissing the services of Sh. P. M. Dhakete, clerk, New Majri Opencast is justified? If

2. Pandharinath Mukundrao Dhakete the workman filed a statement of claim at Exhibit-2’. He contended that he was appointed as a security guard w.e.f. 27-1-1975. Later on he was promoted to the post of a clerk on 3-7-1977. He was doing his job sincerely.

3. The workman pleaded that a chargesheet dated 22-5-1989 was issued to him which he received on 25-5-1989. It was regarding absentism. It is averred that the first sitting of the domestic inquiry was held on 16-7-1989 and it continued up to 20-2-1995. It is a delayed inquiry which is against the provisions of the standing orders. It is pleaded in a domestic inquiry he was not allowed to cross-examine the witness nor his request for appointing an advocate as his representative was allowed. It is asserted that the managements representative was a legal man. The result was that he was put to difficulties. It is pleaded that the management did not supply him the list of witnesses nor supplied the documents on which it relied. It is averred that the management did not examine material witnesses. It is submitted that under such circumstances the domestic inquiry which was held against him was against the Principles of Natural Justice. The workman averred that the inquiry officer did not consider the evidence before him while submitting the report. It is asserted that his findings are perverse and not based on the evidence before him. Under such circumstances it is submitted that the dismissal order passed by the manager be set aside and he be reinstated in service with continuity of service and payment of back wages.

4. The management resisted the claim by the written Statement (Exhibit-7). It is averred that the inquiry which was conducted against him was as per the Principles of Natural Justice and the findings of the inquiry officer are based on the evidence before him. It is submitted that the report cannot be said to be perverse. It is pleaded that because of the acts of the worker himself and due to some other difficulties the inquiry was prolonged and no prejudice was caused to the workman. It is submitted that there are no reasons for setting aside the dismissal order. Hence it is prayed that the reference may be answered accordingly.

5. The worker filed a rejoinder at Exhibit-8. He reiterated his contention in the statement of claim. It is averred that during the course of inquiry the copies of the attendance register, inward register and leave applications were not supplied to him. It is averred that the inquiry was against the Principles of Natural Justice.

6. The issues are framed at Exhibit-10’. The first two issues are treated as preliminary issues. The issues and my findings there on are as follows :

## Issues

## Findings

- |  |     |
|--|-----|
| 1. Whether the domestic enquiry which was held against the workman was against the Principles of Natural Justice ? | No. |
|--|-----|

2. Whether the finding of inquiry officer are not based on the basis of the evidence in the inquiry ? The finding are correct.

### REASONS

7. P.M. Dhakate (Exhibit-12), the worker affirmed that a chargesheet (Exhibit-9/1) was issued to him. There is little controversy over when he received the chargesheet that is whether on 22-5-89 or 25-5-89. But infact for deciding these issues it is immaterial. The chargesheet refers to habitual late attendance and habitual absence without leave or without sufficient cause 18(1)(d) and continuous absence without permission and without satisfactory cause for more than ten days 18(1)(9) of the standing orders. It is not in dispute that there were three inquiry officers in this proceeding. The first inquiry officer was Mr. R. B. Mishra (Exhibit-9/3). He conducted an inquiry at initial stage. Later on he was transferred and could not complete the inquiry. In his place another man was appointed by name B.B. Mishra (Exhibit-9/8). But before he could start the inquiry he was transferred and in his place one Mr. J. S. Sayare (Exhibit-9/15) was appointed as an inquiry officer.

8. Dhakate affirmed that he was not allowed to cross-examine the management witness. It can be seen that the management examined only one witnesses, said to be the presenting officer who produced the documents on the record and it is very clear from the inquiry proceeding that he was thoroughly cross-examined.

9. Dhalma's pleaded that orally he requested the management to give him a permission for appointment of an advocate. This appears to be without any merit. He had never given application for seeking such a permission. From the inquiry proceeding it is very clear that the inquiry officer asked him whether he wanted to be represented by the co-worker. For that initially he said no. Then again he wanted to be represented by co-worker by name Nizammuddin. The inquiry officer granted the permission. Nizammuddin represented the worker in the domestic inquiry. Under such circumstances it cannot be said that the worker was put to difficulty at any time. It is rightly argued on behalf of the management that Gosavi who was the representative of the management cannot be said to be a conversant of legal position. Infact there is no such record to that effect. R. B. Mishra (Exhibit-23) the enquiry officer in categorical term had affirmed that at no stage of the inquiry the worker made a representation that the should be allowed to be represented through advocate. There is no reason to disbelieve this witness.

10. One of the contention of Dhakate the workman is that he was not supplied with the copies of the documents on which the management relied. Mishra admits this position. It can be seen that the documents which the management produced on the record was the attendance register. The workers representative produced the same. The attendance register was

indicating that the worker remained absent. So far as non attending the duties is concerned it is not disputed. Naturally non supply of the copy of that attendance register had not caused any prejudice to the worker. There is a vague allegation that the worker demanded several documents from the management which were not supplied to him. It has no merit. There should be a specific demand of a particular document and its non supply. R. B. Mishra affirmed that the documents produced in the inquiry were shown to Dhakate and he cross-examined the management witnesses on that basis. In other words there is no document which was used against him without being shown or made known to him. If really the workman would have been placed in a handicapped position he would have asked the inquiry officer to adjourn the matter. But there is nothing on the record. It is the record which was produced was known to the worker.

11. So far as supply of list of witnesses is concerned, it is rightly submitted that the charges against the workman were mainly based on the record and not much on oral evidence. There was only one witness. There was no question of supplying a list of witnesses. The witness has not narrated any facts. But only produced the documents. I, therefore, find that no prejudice was caused to the worker for non-supply of list of witnesses.

12. It is tried to argue on behalf of the worker that there is a delay in conducting the inquiry which has caused prejudice. I am not inclined to accept this. It is because from time to time the worker sought adjournment. He changed his residential address and requested the management to serve notice of the inquiry to him on changed address. Not only that his approach towards his job was that he wanted to take voluntary retirement and it was said to be intimated to the management. I therefore, find that the management was slow in proceeding the matter. It was not that with a malice or something in the minds of the management prolonged the inquiry. It can be further seen that as the inquiry officer was transferred. Another inquiry officer was appointed. He also could not complete the inquiry due to transfer and the third inquiry officers namely Savavii (Exhibit 27) was appointed. He completed the inquiry and gave his report. Dhakate admits that he never complained for the prolonged inquiry. If really any injustice was caused to him or there was any harrassment then in that case he would have been complained to the superiors but he did not do so. That itself goes to show that he had no grievance at the relevant time in respect of the prolonged inquiry. Now he cannot claim benefit out of it. The documents (Ex-9) on the record clearly go to show that the inquiry which was conducted against the workman as per the Principles of Natural Justice.

13. It is tried to argue on behalf of the workman that the findings of the inquiry officer are perverse. From the inquiry proceedings it reveals that the workman did not file any document in support of his



defence on 18-2-1995. He chose to examine Shraavan Kumar as his witness. Naturally there was no question of inquiry officer considering the documents on the record. The workman had referred to the inward register and entering of his application/sick certificate in the same. It is denied by the management. It was responsibility of the workmen to produce the evidence to that fact. He could have produced secondary evidence of the Dr's certificate regarding his sickness which he alleged to have produced on an earlier date. But their appearance to be no record to that effect. Infact his own witness who is supposed to deliver his application/sick certificate affirmed before the inquiry officer that he had left to the application on the table of Shri P. K. Gosavi as he was not present. As that is so there cannot be an entry in the inward register of the office. Even if the worker thinks that the entry was there he should have called for the inward register from the management. But he did not do so. Under such circumstances I am not inclined to accent that there was such entry in the inward register of the applicant alleged to be made by the worker accompanied by medical certificate.

14. From the perusal of the inquiry report (Exhibit 9/18) I do not find any perversity in it. The findings given by the inquiry officer are based on the evidence before him. He had analysed them critically. There are certain observations of the inquiry officer that the worker is no more interested in the job appears on the basis of the conduct of the worker himself. In reply to the charge-sheet the workman had stated that he is filling the voluntary retirement application and at a later stage he had mentioned that he is doing his business and has changed his address. At the most it can be said that these observations are not warranted. But that does not affect the report at all. In the result I record my findings on the issues accordingly and pass the following order :

### ORDER

The domestic inquiry which was held against the workman was as per the Principles of Natural Justice. The findings of the inquiry officer are based on the evidence before him and not perverse.

21-11-1996

S. B. PANSE, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 1996

का.प्र. 60.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस ई सी एन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई न. 2 के पंचाल को प्रभावित करती है जो केन्द्रीय सरकार को 9-12-96 को प्राप्त हुआ था।

[संख्या एल-22012/339/93-आई आर (सी-II)]

एस. रविश अली, डेस्क अधिकारी

New Delhi, the 11th December, 1996

S.O. 60.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Mumbai No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 9-12-1996.

[No. L-22012/339/93-IR (C.II)]

S. RAVISH ALI, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/24 of 1994

Employers in relation to the Management of  
Chirimiri Area of S.E.C.L.

AND

Their workmen

APPEARANCES :

For the Management : Shri P. G. Godbole,  
Representative.

For the Workmen : Shri Dhananjai Singh, Representative.

Mumbai, dated 7th November, 1996

### AWARD

The Government of India, Ministry of Labour by its order No. L-22012/339/93-IR(C.II) dated 24-2-1992 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the General Manager, S.E.C. Ltd., Chirimiri Area in not providing employment to Sri Ashok Kumar S/o Sukhdev Singh who claims to be son-in-law and dependant of Shri Manbodh, Cat. I Mazdoor, Sonawani Colliery retired on 15-5-1985 on medical ground is legal and justified? If not, to what relief Sri Ashok Kumar is entitled to?"

2. The President, National Colliery Workers Federation, Kurasia, Colliery Branch filed a statement of claim at Exhibit-4. It is contended that one Manbodh S/o Buraw was working as a casual, Cat. I mazdoor in the Colliery. He submitted an application under clause 9.4.3 under the National Colliery Wage Agreement-3 for appearing before medical board of the Company for assessment of fitness for work. He was examined and found unfit for the job w.e.f. 15-5-85. In view of the said clause dependant of Sri Manbodh is entitled to employment in his place. Shri Ashok Kumar Singh who is the son-in-law of Manbodh is entitled to such an employment. Both of them gave an application to that effect. But the management did not provide the employment as per the agreement.

3. It is therefore prayed that the dependant of Sri Manbodh by name Ashok Kumar Singh be given an employment w.e.f. 15-5-1986 with full back wages amounting of Rs. 2,04,802 and other benefits.

4. The management resisted the claim by the Written Statement Exhibit-6. It is averred that the President who filed the claim is not authorised to do so. It is pleaded that alleged Ashok Kumar Singh is not entitled to the employment and the relief as claimed. It is submitted that as per the company's record Manbodh had no daughter at all. Hence the question of existence of son-in-law does not arise. It is pleaded that under such circumstances the reference may be answered accordingly.

5. The union filed rejoinder at Exhibit-7. It is pleaded that there is no provision under the law that the company can maintain a record of family members of the employee. It is denied that Manbodh had no daughter and Ashok is not his son-in-law. It is asserted that the relief may be granted as prayed.

6. The issues are framed at Exhibit-13. The issues and my findings are as follows :

Issues	Findings.
1. Whether the action of the management in not providing employment to Ashok Kumar who claims to be son-in-law and dependant of Shri Manbodh Cat. I Mazdoor retired on medical ground on 15-5-85 is legal and justified ?	Action is legal and justified.
2. If not, what relief he is entitled to ?	Does not survive.

### REASONS

7. Dhananjai Singh affirmed for the worker. But nobody lead oral evidence on behalf of the management (Exhibit-15). In fact this Dhananjai Singh is the President of the union who wanted the alleged Ashok Kumar to be employed in place of Manbodh.

8. Before proceeding further it is necessary to reproduce paragraph 9.4.3 of the settlement on which basis the claim is made out. It reads "The dependant for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If not such direct dependant is available for employment, younger brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the employee and almost wholly dependent on the earnings of the employees may be considered."

3. After reading this clause it is very clear that first right to get employment is of the wife. From the testimony of Dhananjai Singh it is very clear that when Manbodh was declared medically unfit for the employment in the year 1985 his wife was living. Not only that when he deposed his wife is living. Her name is Balkibai. He deposed that she is weak and was not in a position to do the employment. But the clause nowhere stated that if the persons name in the

first category are unable to do the job then the persons in the second category are to be employed. On this ground itself the claim of the Ashok Kumar is to be rejected.

9. For the sake of argument if it is said that the persons named in the second category are to be considered it is to be seen whether the claim is established by the worker. The answer is no. It is denied by the management that Manbodh had a daughter. To substantiate that they have produced Exhibit-11/4 L.T.C. register of daily rated and piece rated worker for the period from 1979—1982. Wherein Manbodh had declared the names of his family members. In the said declarations there is no mention that he had a daughter by name Shyamabai. But the name appears to be in that record as Indramani, Dhananjai Singh affirmed that Shyamabai and Indramani are the same. It is necessary for all this purposes that he should have examined the wife of Manbodh who had affirmed that Indramani and Shyamabai are the same and she is married to Ashok Kumar. Further it has to be proved that the said Ashok Kumar is almost wholly dependent on the earnings of the employee. For that it has to be shown that he is staying with the employee and doing nothing. Again for that purpose the evidence of Balkibai wife of Manbodh and that of Ashok Kumar himself is necessary which is lacking in the present case. In the result it has to be said that there is no evidence on the record to show that Ashok Kumar is Son-in-law of Manbodh and he is wholly dependent upon him. As this is so the action of the management of not providing him employment after Manbodh was declared medically unfit to do the job w.e.f. 15-5-1985 is legal and justified. Hence I pass the following order :

### ORDER

The action of the General Manager, S.E.C. Ltd., Chirmiri Area in not providing employment to Sri Ashok Kumar S/o Sukhdev Singh who claims to be son-in-law and dependant of Sri Manbodh. Category-I Mazdoor, Soonawani Colliery retired on 15-5-1985 on medical ground is legal and justified.

7-1--1996.

S. B. PANSE, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1996

का.श्रा. 61.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एम्प्लॉयीज इन्जीनियर सी.पी. डब्ल्यू. डी. के प्रबंधन के संबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-96 को प्राप्त हुआ था।

[संख्या एल-42012/47/91-आई आर (डीयू)]

के.वी.वी. उष्णी, डेस्क अधिकारी

New Delhi, the 13th December, 1996

S.O. 61.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Executive Engineer Electrical (CPWD) and their workman, which was received by the Central Government on 12/12/96.

[No. L-42012/47/91-IRL (DU)]

K.V.B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 183 of 1991  
Ram Sajiwan  
Son of Shaj Ram  
Village & Post Jarua  
District Varanasi

AND

Executive Engineer  
Electrical  
C.P.W.D. CSI Compound  
Aliganj Lucknow

## AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-42012/47/91 dated 31-10/91, has referred the following dispute for adjudication to this Tribunal

Whether the action of the management of Executive Engineer (Elect) CPWD Lucknow in terminating the service of Shri Ram Sajeewan, s/o Sh. Shajram as casual labour w.e.f. 30-6-90 is justifiable? If not, to what relief the concerned workman is entitled to?

2. The concerned workman Ram Sajeewan in his claim statement has alleged that he was appointed on 18-4-88 by the opposite party Executive Engineer Electrical CPWD. He worked upto August 1988. Thereafter, an artificial break for 8 days was given and again he was appointed as peon. He worked there upto June 1990. The services of the concerned workman were abruptly brought to an end in June 90. As the concerned workman has completed for more than 240 days in a year his retrenchment is bad because of non payment of retrenchment compensation and notice pay. Further there has been breach of section 25F of I.D. Act.

3. The opposite party has filed reply in which the appointment as specified by the concerned workman has not been disputed. Their version is that the concerned workman was appointed for a fixed period upto the arrival of rainy season. When the rainy season set in and regular were employed his services were brought to an end. In the written statement the number of days as given in schedule attached with the claim statement has not been disputed.

4. In support of his case, the concerned workman has given his evidence in which he has stated that he had worked from 8-4-88 upto June 90 with artificial break. The opposite party has examined Shri Pramod Kumar Garg Executive Engineer who has stated that the concerned workman's name

was not sponsored by the Employment Exchange. His employment came to an end when regular person appointed. In his cross examination he has admitted the correctness of number of days as given in the annexure alongwith claim statement. The management has not filed any paper to show that appointment of the concerned workman was upto June 1990 or that any recruitment has been made for deployment to regularly recruited persons. From the schedule of number of days it emerges out that during the last calendar year from the date of termination the concerned workman had worked for 314 days. In other words he had completed more than 240 days in a calendar year. Hence, even if his services were for fixed period or were not necessary because of recruitment, for effecting retrenchment, notice pay and retrenchment compensation was necessary under section 25F of Industrial Disputes Act, 1947. As the same has not been done his termination is bad in law.

5. There is no evidence worth the name to prove breach of Section 25G of I.D. Act.

6. In the end my award is that the termination of the concerned workman w.e.f. 30-6-90 is not justified and he is entitled for reinstatement in service with backdate at the rate at which he has paid his wages at the time of his retrenchment.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 16 दिसम्बर 1996

का.बा. 62.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) का धारा 17 के अनुसरण में केन्द्रिय सरकार हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधिकरण सं. 2 मुंबई के पंचपट की प्रकाशित करता है जो केन्द्रिय सरकार को 13-12-96 को प्राप्त हुआ था।

[संख्या एन-30012/7/92-आई आर (विविध)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 16th December, 1996

S.O. 62.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in the relation to the management of Hindustan Petroleum Corporation Limited and their workmen, which was received by the Central Government on 13-12-1996.

[No. L-30012/7/92-IR (Misc.)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer  
Reference No. CGIT-2/42 of 1993

Employers in relation to the management of Hindustan Petroleum Corpn. Limited.

AND

Their Workmen

## APPEARANCES :

For the Management—Shri S. K. Thalsania, Advocate.  
For the Workmen.—Shri P. M. Pradhan, Advocate.

Mumbai, dated 26th November, 1996

## AWARD-PART-II

On 11-9-96 by Part-I award I came to the conclusion that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice.

2. Thereafter, the Learned Advocate for both the parties submitted that in view of the Judgment in *Bharat Forge Company Ltd. V/s. A. B. Zodge & Anr.* 1996 II CLR 345 the Tribunal has to decide whether the findings of the inquiry officer are perverse or not, as a preliminary issue if there are contentions to that effect. Issues No. 2 is to that effect. Now it is necessary for the Tribunal to decide that issue also as a preliminary issue.

3. To appreciate the facts it is better to summarise the facts of the case in nutshell. M. R. Nathu and P. V. Dhuri the workman joined HPCL as a skilled category, Assistant Process technicians. On 10-3-86 they were on duty for C.B.F.S. loading operations in the O.M. and S. Area. In this shift truck No. NCU 1913 was loading with C.B.F.S. The quantity was 10.250 kgs. Later on police authorities informed the company that the tank was loaded with substantial amount of excess C.B.F.S. Upon checking the record it was confirmed that entries endorsed by the worker, weightage slip indicate the aforesaid quantity of 10.250 kgs. Billing was made on that quantity. As a result of excess loading operation sustained a substantial loss and inductive of serious misconduct on the part of the workman.

4. Both these workmen were given a chargesheet dated 10-7-86 for a violation of standing order No. 28(9) and 28(17) viz. fraud and dishonesty in connection with the company's business and wilful falsification of the record of the company respectively.

5. As observed above the Tribunal came to the conclusion that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice. Now the issues that fall for my consideration and my findings there on is as follows :

Issues	Findings
2. Whether the findings of the inquiry officer are perverse ?	Yes.

## REASONS

6. Mr. Pradhan, the Learned advocate for the workman argued that these workmen were chargesheeted by the police alongwith others and a case No. 168/P of 1987 was filed before the Metropolitan Magistrate, 25th Court, Mazgaon, Bombay. There were in all 51 accused. That was a case under section 379, 465, 467, 411, 413, 414, 511, 201, 109, and 120(b) of the Indian Penal Code. It is not in dispute that on 6th July, 1989 the Learned Metropolitan Magistrate discharged these workmen alongwith others mentioning that they are discharged, as there be no evidence against them. He argued that the decision given by the Metropolitan Magistrate was not at all considered by the inquiry officer while submitting his report. According to him in view of that Judgement the inquiry officer should have come to the conclusion that the charges are not proved. In other words according to him his findings are preverse. To substantiate that contention he place reliance on *Jaywant Bhaskar Sawant Vs. Board of Trustees of the Port of Bombay and Others* 1994 (II) CLR 737. That was a case wherein there was honourable acquittal of the workman in a criminal case against

whom there was a domestic inquiry in respect of the same charges. While deciding the matter Their Lordships observed that the delinquent who is also prosecuted in a criminal court wherein there is a honourable acquittal weightage to be given to the findings of the criminal courts decision. In that case the inquiry officer and the disciplinary authority chose the same as irrelevant. His Lordships observed that as there was no weightage attached to the order of the criminal court the writ court quash and set aside the order of the disciplinary authority, in the appropriate case.

7. Mr. Thalsania, the Learned Advocate for the Corporation placed reliance on *J. D. Jain V/s. Management of State Bank of India and Anr.* AIR 1982 Supreme Court 473 wherein it is observed by their Lordship that the strict rules of evidence are not applicable in a domestic inquiry. The word 'here say' is used in various senses. Sometime it means whether the person has heard to said. Some time it means whatever the person declares on information given by some one else for the purpose of departmental inquiry complaint certainly not frivolous but substantiated by substantial evidence is enough. In another case *Raghunath Vishnu Patil V/s. R. L. Kawande & Ors.* 1993(II) CLR 50, it is observed that acquittal in a criminal court cannot be binding on a disciplinary authority in as much as the standard of proof in a criminal court differ from the standard of proof in a disciplinary inquiry. The Learned Advocate for the Corporation also placed reliance in *Nelson Motis V/s. Union of India & Ors.* Y.D. 1895(V) SC(111), wherein their Lordships have observed that any of scope of criminal case are different from departmental disciplinary proceedings. The order of acquittal cannot conclude departmental proceedings.

8. In *Jaywant Bhasakar Sawant's* case Their Lordship had also considered the Nelson's case. It is observed by His Lordships in Sawant's case that acquittal can be on different grounds namely lack of evidence or on technical grounds. But when there is a clean acquittal it has to be taken into consideration in a departmental inquiry. In this particular case these workmen were discharged.

9. Now on the basis of the above stated ratios it is to be seen whether the findings of the inquiry officer are perverse or not.

10. From the inquiry report (Exhibit-7/pg.132) it is very clear that the inquiry officer not at all considered the decisions given by the Metropolitan Magistrate. No doubt from the observations stated above it is not necessary that there should be a straight way findings on the charges on the basis of the acquittal. But weightage has to be given to it or at least the inquiry officer should have discussed the Judgement given by the Metropolitan Magistrate. He had not done so. It can be seen that the Metropolitan Magistrate had considered the confession of R.G. Bhoir accused No. 14 and V.D. Mohite Accused No.13. It can be seen that the inquiry officer had relied upon this confession. They were produced before the inquiry officer. So far as the confession of Bhoir is concerned it appears that there is no mention of these workmen. But so far as the Mohite is concerned he had mentioned the name of these two workmen. But it appears from the Metropolitan Magistrate Judgements that there is not link how these accused can be said to be involved in the incident dated 10-3-86. It can be further seen that there is a clear cut discharge of these workmen in that case. Discharge is more than that of acquittal. In other words there is no prima facie case at all against the workman. It can be further seen that leaving aside the Judgment of the Metropolitan Magistrate whether there is sufficient evidence on the record for the findings

given by the inquiry officer. Ram Mohan Rao who was the senior manager was examined as a witness in the domestic inquiry. He produced Exhibit -P/12 i.e. gate pass No. 3183 for tank truck No. MCU 1913 issued on 10/3/86. Exhibit-P/15 weightage slip for truck No. MCU 1913 issued on 10/3/86 and Exhibit-17 daily absence, and time report for 10/3/86. From his testimony nothing can be revealed how these workmen can be said to be guilty of the charges revealed against them.

11. One Khillai the sub-inspector who investigated the matter was also examined in the domestic inquiry. He could only produce the confessional statement of the workmen R. G. Bhoir and Mohite on the record. He also produced the confessional statement of the workman. But according to the workman he gave the statement due to the threat and coercion. It was before the police officer and it cannot be relied upon. There is no reason why the explanation given by the worker in respect of this statement should not be accepted. Khillar had also recorded statement of Phoolchand driver, Munna Singh Kalpan Singh-cleaner Vittal Dhattatu Mohite, R. G. Bhoir, P. G. Bhoir, V. V. Bhoir. But it can be seen that none of them have come before the inquiry officer and deposed. They were not available for the workman for cross-examination. The testimony of Khillar is nothing but that of an investigating officer. In normal course it is of a formal nature. In a criminal trials and so far as this domestic inquiry is concerned it is more formal. In other words it has to be said that by his testimony whatever record which he collected in the investigation of that case produced before the inquiry officer. The inquiry officer relied upon that record without the workmen having an opportunity to cross-examine those concerned persons. For all these reasons I record my findings on the points accordingly and pass the following order :—

### ORDER

The findings of the inquiry officer are perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1996

का.आ. 63.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार के प्रबंधन के संबंध में नियोजनों और उनके कर्मचारियों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-96 को प्राप्त हुआ था।

[सं. एल-40012/45/93-आई आर(डी यू)]  
के.वी.बी. उग्नी डेस्क अधिकारी

New Delhi, the 16th December, 1996

S.O. 63.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO Telecommunication and their workman, which was received by the Central Government on 16-12-1996.

[No. L-40012/45/93-IR(DU)]

K. V. B. UNNY, Desk Officer

### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

#### PRESENT:

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.  
Dated, 18th day of November, 1996  
Industrial Dispute No. 47 of 1994

#### BETWEEN

Sri N. Pochaiiah, S/o N. Mondaiiah,  
Casual Mazdoor, Telecom,  
Saidapur-505472 ..Petitioner

#### AND

The Sub-Divisional Officer,  
Telecom, Karimnagar Pin-505002. ..Respondent

#### APPEARANCES:

Sri C. Suryanarayana, Advocate for the Petitioner.  
Sri P. Damodar Reddy, Advocate for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-40012/45/93-IR(DU) dated Nil under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute mentioned in its schedule which reads as follows:

"Whether the action of the SDO, Telecommunication, Karimnagar in terminating the services of Sri N. Pochaiiah, w.e.f. 1-2-1988 is proper, legal and justified? If not, to what relief the workman concerned is entitled to?"

After receipt of the above reference, this Tribunal issued notice to both the parties and both the parties put in their appearance and filed claims statement and counter.

2. The workmen filed a claim statement contending as follows:—The Petitioner-workman was engaged by the Respondent Sub-Divisional Officer, Telecom., Karimnagar from 9-11-1993 to 12-3-1987. He worked for 359 days during one year period preceding 30-11-1986. He was retrenched without following Section 25-F of the Industrial Disputes Act, 1947 or complying the orders in DG P&T No. 269/130/78-STN dated 1-10-1984. He was again employed as casual worker during November and December, 1987 and January 1988. There was a scheme to absorb casual mazdoor who have worked for 240 days or more in a year. The ban imposed by the Director General in employing casual mazdoor is set aside by the Judgement of the Central Administrative Tribunal and the said judgement was confirmed by the Supreme Court. The Petitioner is entitled to reinstatement with back wages.

3. The Respondent filed a counter contending as follows: The Petitioner was engaged after 1983, and so his services have been dispensed with as per the letter dated 30-11-1986 of the Director General. The Petitioner might have been engaged when there is work and his services might have been dispensed with after the work is over. There is delay of

four years in raising this dispute. It is a stale claim. The petition is also barred by limitation. The petitioner is engaged gainfully elsewhere. The petitioner is seeking the relief to avoid the merits, reservation norms and the seniority in Employment Exchange. The petition is liable to be dismissed.

4. The Petitioner examined himself as WW-1 and also another mazdoor as W.W.2. The Sub-Divisional Engineer is examined as M.W.1. The Petitioner filed Exs. W1 to W12 and the Respondent filed Exs. M1 to M15.

5. The Point for consideration is whether the petitioner is entitled for reinstatement with back wages ?

6. POINT.—The Petitioner is a Telecom employee. He seeks reinstatement on the ground that though he worked for 240 days or more, he was retrenched without following Section 25-F of the I.D. Act. The Respondent denies the same. Both parties adduced their evidence.

7. The Respondent-Management filed L.A. No. 165/96 requesting this Tribunal to reject the reference as not maintainable. The Supreme Court held that Telecommunication Department is not an industry. The Petitioner-workman filed a counter for the said petition. The petitioner contends that the decision of the Supreme Court is a judgement per incuriam and does not constitute a binding precedent on this Tribunal. He relied upon some judgements relating to some other industries.

8. The Supreme Court in *S.D.I.P. Va'kam and others v. Theyyam Joseph* [1966 FLR (72) Page 690] held as follows :

"India is sovereign socialist, secular democratic Republic has to establish an egalitarian society under Rule of law. The welfare measures partake the character of sovereign functions and traditional duty to maintain law and order is no longer the concept of the state. Directive principles of state policy enjoin on the state diverse duties under Part IV of the constitution and the performance of the duties are constitutional functions. One of the duty is of the state to provide telecommunication service to the General public and an amenity, and so is one essential part of the sovereign functions of the state as a welfare state. It is not therefore an industry."

The Supreme Court has categorically held that Telecommunication service is not an industry. So the petitioner cannot be a workman within the meaning of Industrial Disputes Act, 1947. The reference itself is not maintainable. The said decision of the Supreme Court is binding on this Tribunal.

9. In the result, an Award is passed holding that the petitioner is not entitled to any relief as the reference itself is not maintainable.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 18th day of November, 1996.

V.V. RAGHAVAN

Industrial Tribunal-I,

#### APPENDIX OF EVIDENCE

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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W.W.1 N. Pochaiah	M.W.1 M. Rajgopal Singh.
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W.W.2 P. Srinivasulu	
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Documents marked for the Petitioner

Ex.W1 Working days particulars of W.W.1.

Ex.W2 22-9-91 Representation made by WW1 to the RLC (C) Hyd.

Ex. W3 5.3.91 Representation made by WW1 to Dist. Engineer, Telecom, Karimnagar.

Ex. W 4 17-10-88 Xerox copy of the Lr. No.269/88 dt.17-10-88

Ex. W 5 30-3-51 Xerox copy of the Director General, P&T No. 250/6/84-STN dt. 30-3-85.

Ex.W6 1-10-84 Xerox copy of the Director General P & T New Delhi Lr. No. 269/130/78-DTN.

Ex.W7 7-11-89 Xerox copy of Dept. Order.

Ex.8 16-3-92 Carbon copy of parawise remarks of Sub. Divl. Officer, Telecom, Karimnagar.

Ex.W9 16-12-92 Carbon copy of Lr. ID/9192/10 of the S.D.O. Telecom, Karimnagar.

Ex.W10 8-2-93 Copy of the minutes of conciliation meeting.

Ex. W11 16-2-93 Copy of the failure report submitted by the GOI New Delhi.

Ex.W12 .. Postal Acknowledgement signed by W.W.2.

Documents marked for the Respondent

Ex.M1 to M 15 Xerox copies of the Muster Rolls worked by N. Pochaiah

Sd/  
Industrial Tribunal

नई दिल्ली, 17 दिसम्बर, 1996

का.पा. 64.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्राय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुरोध में निदिष्ट प्रौद्योगिक विवाद में, केन्द्राय सरकार प्रौद्योगिक अधिकरण सं. 1 हैदराबाद के पंचपट को प्रकाशित करता है, जो केन्द्राय सरकार को 13-12-96 को प्राप्त हुआ था।

[संख्या एन-12012/322/94-आई आर (बी-II)]

के.वा.बा. उन्ना, डेस्क अधिकाारी

New Delhi, the 17th December, 1996

S.O. 64.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 13-12-96.

[No. L-12012/322/94-IR(B-II)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I  
AT HYDERABAD

PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated : 18th day of November, 1996

Industrial Dispute No. 61 of 1995

BETWEEN

The President, Punjab National Bank Staff Union; 90, Punjab National Bank, Malakpet Branch, Hyderabad ..Petitioner

**AND**

The Chief Manager, Punjab National Bank,  
Bank Street, Hyderabad-500 001.

.. Respondent

**APPEARANCES :**

Sri K. N. N. Kantha Rao, Petitioner in person.

Sri R. G. Suresh Babu, Senior Manager for the Respondent.

**AWARD**

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-12012/322/94-IR(B-II) Dt. 30-5-1995 under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute mentioned in its schedule which reads as follows :

"Whether the demand of the Punjab National Bank Staff Union, Hyderabad on the management of Punjab National Bank, Hyderabad for payment of special allowance to Sri D.C.M. Reddy, Special Assistant for performing the duties of an officer is justified? If so, what relief is the said workman entitled to?"

This reference has been registered as Industrial Dispute No. 61 of 1995 on the file of this Tribunal. Notices were issued to both the parties and they have put in their appearance.

2.. The workmen filed a claim statement with the following contentions :—The Petitioner is working as Special Assistant in the Bank Street, Branch of Punjab National Bank since 1991. He is a workman as per Bipartite Settlement. He is required to pass cash instruments upto Rs. 10,000.00 and transfer and clearing instruments upto Rs. 25,000.00 till 22-6-1995 when they were enhanced to Rs. 20,000.00 and Rs. 50,000.00 respectively. He is supposed to sign on drafts, Cash Orders etc., upto Rs. 7,500.00 and it remained unchanged. The petitioner was made to perform the duties of Scale I Officer since February, 1991, but he was not paid any extra remuneration. He was asked to work in Day Book Section, Despatch Section and Morning Checking of Current Account. The Current Account Section is supervised by an Assistant Manager whole-time and the Petitioner was asked to check all the vouchers and check the work of Assistant Manager. Any mistake committed by the Assistant Manager in Current Section, if not detected, the Petitioner would be made liable. He was thus asked to supervise the work of Assistant Manager who is superior in rank. The petitioner was asked to supervise drafts and bills. Department besides the morning checking of fixed deposits and

recurring deposits. He did this work from May 1992 to March 1993. He is doing the same work from February 1994 till now. He is empowered to sign drafts of Rs. 7,500.00 only but he is given a Memo dt. 18-2-1994 for not signing the draft and order that exceeded Rs. 10,000.00 and send the same for signature of another officer though he is empowered to sign draft upto Rs. 7,500.00 only. The Petitioner was also asked to perform Morning Checking of Deposits Section which is being manned by a senior Scale-I Officer, from May, 1992 to March 1993 and again from February 1994 till now. The petitioner comes to the Bank early and completes this work by 10.15 A.M. so that he may render services to the customers in his Draft and Bills Section, that he also pass on the relative vouchers and books to Deposit Section. The petitioner was assigned the duties of claiming and draft payable section from March 1993 to January 1994. The predecessors and successors of the petitioner in this section are Officers. He has to pass several debits and credit beyond his powers of Rs. 25,000.00. He was asked to work in Computer Section though he is not trained. In January, 1994 the petitioner was also entrusted with the General Power of Attorney. The Respondent is not justified in classifying the petitioner, who is a workman, as an officer. The petitioner is entitled to officiating allowance from February, 1991 to till date and consequential benefits.

3. The Respondent filed a counter contending as follows :—The cause of the Petitioner was not espoused by a Union and so it is not an industrial dispute. The Petitioner has been working as a Special Assistant from 11-1-1986. As per the Bipartite Settlement, special allowances are intended to compensate the workmen by performance or discharge of certain additional duties or functions required greater skill and responsibility. Para 5.6 of the Bipartite Settlement dated 19-10-1996 with subsequent amendments provides for special allowance payable to the workmen. One of the categories to which Special Allowance is payable is that of Special Assistant in Branches. The additional duties and functions are to be performed by a workman who is entitled for Special Allowance. There is a Settlement between the Management and the majority Union by which it was agreed that the Bank Management is entitled to get checking work including morning checking of various ledgers/books done by Special Assistants. So the petitioner is not entitled for the Special Allowance for the morning checking work. The contention of the Petitioner that he was called upon to check the work of Assistant Manager is false. He was required to check the work of Clerks only even in the morning checking work. The Petitioner was given a Memo as he refused to sign any draft for Rs. 10,000.00 and asked for clarification. He was instructed to sign the drafts, cash orders etc., of Rs. 10,000.00 and above and

send it for signature of the Officer. There is no violation of the guidelines in the Bank. In fact the Petitioner kept morning checking work in arrears for three months. In order to avoid disciplinary action he cleared it in a short span of time within the office hours, in addition to his regular work. The Petitioner was never asked to sign credit vouchers whose value is beyond Rs. 25,000. The petitioner received an increment as part of the industry wide settlement to facilitate computerisation of the banking industry. So he is supposed to work in Computer Section. The Petitioner was asked to work in different sections as it is the prerogative of the Branch Manager to assign work as per Clause 18.3 of Bipartite Settlement dt. 31-10-1979. There is no ceiling of the duties or quantum of work. Officiating allowance will be paid if a workman is asked to work in higher cadre on account of leave or absence of Officer. The said order will be in writing. The Petitioner was not asked to perform the duties of a higher cadre. The petition is liable to be dismissed.

4. The petitioner examined himself as W.W.1 and filed Exs. W1 and W2. The documents filed by petitioner with petition are marked as Exs. W3 to W5. The Manager of the Branch is examined as M.W.1 and Exs. M1 to M3 are marked.

5. The point for consideration is whether the Petitioner is entitled to Special Allowance as claimed by him ?

6. POINT :—The Petitioner has been working as a Special Assistant in Bank Street Branch of Punjab National Bank at Hyderabad since February 1991. He claims special allowance on the ground that he was made to do morning checking and he was also asked to sign drafts beyond Rs. 7,500.00 and sign the credit note of more than Rs. 25,000.00. The Bank contends that the Petitioner is doing regular duties only and nothing more.

7. The Petitioner filed Ex. W2 which contains the duties of a Special Assistant arrived at under the Settlement between the Management and the Union on 7-3-1978. But it was superseded by a subsequent agreement after Fourth Bipartite Settlement dt. 17-9-1984 in which there was revision of duties of Special Assistants. The petitioner as well as the Respondent filed the revised duties of Special Assistant communicated to the Banks on 12-9-1985 and again on 14-7-1995, alongwith the pleadings. The Petitioner's copy is marked as Ex. W4. The duties of Special Assistants are as follows :—

#### **"DUTIES OF SPECIAL ASSISTANTS :**

Special Assistants will be accountable and responsible for running of the Department/Sections under them and their

duties will involve looking after and checking the work of other clerk or clerks and sub-staff and will include—

1. (a) Passing independently cash, cheques, drafts, other negotiable instruments, term/call deposit receipts, vouchers etc., upto Rs. 10,000.00 and clearing and transfer cheques, vouchers etc., (whether credits or debits) upto and including Rs. 25,000.00.

(b) Passing of drafts upto Rs. 2,000.00 without advice.

(c) Passing of cheques drawn by illiterate persons within their passing powers.

Passing will include verification of signatures and scrutiny as to the correctness of endorsements on and other particulars of such instruments.

2. Signing vouchers, cheques, drafts, mail transfers, pay orders, TPOs, advices such as non-payment advices, inter-branch fate calling advices, bill schedules, demand notices, statements, certificates, etc. He shall sign drafts, pay orders, TPOs and inter-branch advices, term/call deposit receipts etc., singly upto Rs. 7,500.00 and beyond Rs. 7,500.00 as second signatory jointly with an officer signing as first signatory.

3. Checking all vouchers, advices, statements, cheques, drafts etc., bills and books of accounts, including Current, Savings and other ledgers, cash, postal and revenue stamps, franking machine balances.

4. Checking the coding, and decoding of telegrams (excluding check symbols or cyphers) including custody of Bank's Code Book. "Checking" would mean verifying that the material checked is in order in all the respects and include initiating the same for authentication.

5. Discharging, endorsing cheques, bills etc.

6. To verify, examine and recommend payment of TA Bills of the Staff.

7. (a) To check progressive balance book.

(b) To check bills in hand physically, books of accounts, advices etc.

(c) Checking of all miscellaneous statements and returns and signing them as second signatory.

(d) Periodical checking of the books, registers, files and records.



- (e) To assist the Manager in handling loan and advances work at the office i.e., preparation of loans proposals, documents checking of stock report, calculation of DP, preparation of financial report in reply to some queries by other institution and such other work relating to loans.
  - (f) To keep custody of loan documents and securities jointly with the Manager/Sub Manager or Assistant Manager.
  - (g) Custody of stamps and stamped agreements.
  - (h) To act as an Asstt. Custodian of Safe Deposit Vault.
  - (i) To work as an assistant to the Inspector.
8. (a) To check compliance of standing instructions by the customers and custody of Standing Instructions Register.
- (b) To check maintenance of Stop payment Register and allied work and custody of Stop Payment Register.
- (c) To check current, S/F and other ledgers and to issue cheque books to the customer and custody of the specimen signature binders and account opening forms.
- (d) Custody of inoperative ledgers along-with their A.O.F. and specimen signatures (except in A & B Class Officer) and security forms jointly with an officer.
9. Custody of all inward parcels jointly with another officer.
10. For the purpose of efficient and effective functioning of the section or department, the Special Assistant shall ensure that all acts, things and steps necessary therefor are taken by himself or by the clerks placed under him and shall ensure that, wherever necessary :—
- (a) Reminders are sent on time and followed up;
  - (b) Pass sheets/books are filled up and issued promptly;
  - (c) Deposits are renewed or due dates or reminders sent to the parties.
  - (d) Bills are accepted and due dates diarised/advised and followed up;
  - (e) Interest, Commission and service charges are collected.
  - (f) Proceeds of bills are received or remitted promptly.
  - (g) Confirmation of Balances of accounts of the customers and its follow up;
  - (h) All securities relating to the Department/Section of which the Special Assistant is in-charge are secured or kept in proper custody and properly handed over to the authorised person at the close of the day;
  - (i) Balances promptly taken, tallied and reported and followed up and also returns submitted;
  - (j) Adv'ces, and/or duplicate advices/summaries are issued/responded promptly, whenever called for;
  - (k) Checking the proper recording of entries and all relevant particulars in regard to accounts opened under due authorisation."
8. The Checking Official carrying out the morning checking has duty to verify the following as mentioned in Ex. W1 :—
- "1. That the entries have been correctly posted in the relative accounts.
  - 2. That the resultant balances have been correctly drawn.
  - 3. That the cross totals are correct.
  - 4. That no unsanctioned overdraft has been created.
  - 5. That all the ledger headings including caution notes, liens, stop payment instructions, mode of operation etc., have been properly carried over.
  - 6. That the ledgers do not contain any unauthorised cuttings.
  - 7. That the ledgers are properly maintained and all the sheets are securely fixed in locked binders.
  - 8. That the keys of all types of loose leaf binders are retained in the personal custody of a checking official.
  - 9. That the specimen signatures and ledger binders for the purpose of insertion/removal of sheets, are handled in the presence of a checking official."
- The Petitioner is already drawing extra allowance as a Special Assistant. He has also got reservation in Promotion as per Ex. W2. For working ½ an hour and checking some entries

he cannot be paid any extra amount. The Management and the Union recognised that this morning checking work is part of the duty of the Special Assistant. In the minutes of Zonal IRM (Industrial Relations Meeting) held on 25-4-1995 as can be seen from Ex. M3.

9. When the petitioner sought clarification about signing a case order worth Rs. 20,350 whereas he has powers upto Rs. 10,000 only, he was informed by Ex. M2 that he is only putting the 2nd signature and another Officer signs as first signatory. He is not rendering any extra service.

10. In the result, an Award is passed holding that the Petitioner-workman is not entitled to any relief.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 18th day of November, 1996.

V. V. RAGHAVAN, Industrial Tribunal-I

#### APPENDIX OF EVIDENCE

Witness Examined for Petitioner-workman	Witness examined for the Respondent Bank
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W.W.1 Chandra Mohan Reddy	M.W.1 V.L.N. Rao
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#### DOCUMENTS MARKED FOR THE PETITIONER-WORKMAN

- Ex. W1 8-10-94 Xerox copy of the Circular regarding morning checking.  
Ex. W2 9-3-78 Xerox copy of Settlement.  
Ex. W3 9-3-78 Xerox copy of Annexure-I regarding General Rules/Categories of Workmen.  
Ex. W4 14-7-95 Xerox copy of Duties of Special Assistants-Revision.  
Ex. W5 20-9-94 Xerox copy of Minutes of Conciliation Proceedings.

#### DOCUMENTS MARKED FOR THE RESPONDENT-BANK

- Ex. M1 18-2-94 Letter addressed by W.W.1 to the Manager, Branch Office, Bank Street, Hyderabad.  
Ex. M2 18-2-94 Xerox copy of Office Order No. 35/94, dt. 18-2-94.  
Ex. M3 8-7-95 Xerox copy of the Lr. No. ZO:PER:Misc. 52:991:95 addressed to the Chief Manager, CMO Bank St. Hyd.

Industrial Tribunal-I

नई दिल्ली, 17 दिसम्बर, 1996

का.घा. 65.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय

सरकार देना बैंक के प्रबंधकों के पत्रों में निम्नलिखित और उनके कर्मचारियों के बीच अग्रिम में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण पान्दु के पंचवट को प्रकाशित करता है जो केन्द्रीय सरकार को 13-12-96 को प्राप्त हुआ था।

[सं.पा.प. 20 2/200/91-आई आर(बी-II)]

के.वी.बी. उन्नी, निम्न अधिकारी

New Delhi, the 17th December, 1996

S.O. 65.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 13-12-1996.

[No. L-12012/290/91-IR (B-II)]

K.V.B. UNNY, Desk Officer.

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 60 of 1992  
BETWEEN

In the matter of dispute :

Maha Sachiv

U.P. Dena Bank Employees Congress,

M.S. 43, Sector D,

Aliganj Lucknow,

AND

Regional Manager  
Dena Bank  
Praveen House  
28-A, Vidhan Sabha Marg  
Lucknow.

Appearance : Shri D. P. Saxena for the workman,

.. J. P. Bajpai for the Management.

#### AWARD

.. J. P. Bajpai for the Management.

1. Central Government, Ministry of Labour New Delhi vide its Notification No. 12012/290/91 I.R. (6-2) dated 12-3-92 has referred the following dispute for adjudication to this tribunal :—

Whether the action of the management of Dena Bank in terminating the services of Shri Chintamani Pandey, Badli Peon is justified? If not, to what relief the workman is entitled to?

2. The concerned workman Chintamani Pandey in his claim statement has alleged that he was employed on 1-2-86 in subordinate cadre in Ghoshpura branch Lucknow of the opposite party Dena Bank. He continuously worked there upto 21-10-87 and in this way he has completed 240 days in a year. Thereafter his services were brought to an end in breach of Section 25F I.D. Act. When he protested against it he was again employed on 29-12-87 at Bangla Bazar branch Lucknow. He continuously worked there upto 31-8-89. In this way once again he has completed more than 240 days in a year. Once again his services were brought to an end without paying retrenchment compensation and notice pay. Hence there has been breach of Section 25F I.D. Act. There is also breach of Section 25G I.D. Act.

3. The opposite party has filed reply in which it was denied that the concerned workman was employed in Sub staff. In fact branch Manager could not employ him at all. Further his name was not sponsored by employment exchange. The Manager of the Bank had simply asked concerned workmen to bring couple of bucket full of water for which he was paid through voucher. Hence the concerned workman was not employed by the bank at all.

4. In the rejoinder the above mentioned fact has been denied by the concerned workman.

5. The first point need determination is as to whether the concerned workman was engaged in the sub staff or was asked simply to supply water for which payment was made through voucher. In support of his case the concerned workman Chintamani Pandey has stated that he was employed as a peon. This fact has been corroborated by Sarbjit Singh WW-2. H. M. Nagar MW-1 and branch Manager MW-2 have stated that the concerned workman was asked to only to supply water he did not do any other work. Exhibit M-1 to exhibit M-19 are vouchers to show that payment was made through vouchers. Exhibit M-21 to exhibit M-31 are extract of attendance register, in which the name of concerned workman is not to be found. Hence it is submitted that the case of concerned workman is belied. However there is exhibit W-1 the copy of letter dated 10-2-86 written by branch manager to Regional Manager in which the branch manager has referred to certain oral talks between him and Regional Manager. And has further mention that job of Peon was being taken from the concerned workman whose name is registered in the employment exchange. There is exhibit W-2 a copy of letter dated 20-4-90 by Regional Manager to branch Manager Bangla Bazar branch enquiring about the date from which the concerned workman was working as peon. In my opinion these papers totally belie the case of the management that the concerned workman was employed only to bring water. Instead my finding is that he was employed as a peon.

6. The concerned workman Chintamani Pandey W/W(1) has proved that he has worked from 1-2-86 to 21-10-87 and from 29-12-87 to 31-8-89. This fact has not been rebutted by the management. Indeed this fact in the written statement was also not denied. Hence I came to the conclusion that the concerned workman has worked for more than 240 days in year. When he was retrenched admittedly no retrenchment compensation and notice pay was given to him. Hence there has been breach of Section 25F I.D. Act.

7. Accordingly, my award is that retrenchment of concerned workman is bad in law. Consequently he will be entitled for reinstatement with back wages at the rate which he draw his wages for last time.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 17 दिसम्बर, 1996

का. आ. 66.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मन्दल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवध में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कम लेबर कोर्ट कामपुर के पंचषट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-12-96 को प्राप्त हुआ था।

[संख्या एल-12012/31/89-डी ए]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 17th. December, 1996

S.O. 66.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum L-C. Kanpur, as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India, and their workmen, which was received by the Central Government on 12/12/96.

[No-L-12012/31/89-D ]  
K. V. B. UNNY, Desk Officer

### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR (U.P.)

Industrial Dispute No. 29 of 1991

In the matter of dispute

BETWEEN

The Assistant General Secretary

U.P. Bank's Employees Union Upstair Deepak Talkies Gate CK 37/41 C Bans Ka Phatak Varanasi.

AND

Regional Manager Central Bank of India, Region 1 Office Lanka, Varanasi.

### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/31/89-D.A dated nil has referred the following dispute for adjudication to this Tribunal—

whether the action of the management of Central Bank of India, Varanasi, in terminating the services of Shri Chanler Shekhar singh Cashier w.e.f. 1.1.93 is justified If not, to what relief the workman is entitled?

2. The case of the concerned workman Chanler Sekhar Singh is that he had worked as a Cashier from 28.5.71 to 31-12-72 for a period of 303 days in the Varanasi Branch of the Bank opposite party on temporary basis. It has been further alleged that a circular on 6.5.68 was issued for year marking 25% of the vacancies for the issues of the employees of the bank In pursuance of this scheme a select list on 25.6.73 was prepared of 22 candidates, the name of the applicant appeared at serial no.16, whereas at serial no.22 there is name of Mohan Lal Jhingaran, as there were 88 vacancies of cashiers. The concerned workman ought to have been given appointment but the same was denied. It is further alleged that Mohan Lal Jhingaran, whose name appeared at serial no.22 was given appointment after ignoring the claim of the concerned workman and on this basis he is entitled for employment. In any case his termination with effect from 1.1.73 is bad because of breach of section 25G & H of Industrial Disputes Act, 1947.

3. The opposite party has filed reply in which it has been alleged that the concerned workman had not completed 240 days in calendar year. As such the provisions of Section 25F G&H of Industrial Disputes Act, 1947, are not attracted. The concerned workman had worked from May 1971 to December, 1972, intermittently the break of which have been given in para 9 of the written such break up has also been given by the concerned workman in the schedule attached with the claim statement. Thus there is no dispute between the parties about the number of days the concerned workman has worked. As regards the circular of 1968, it is alleged that the claim of the concerned workman was not ignored. Employment of Shri Jhingaran was given in accordance with correct interpretation of rules.

4. In the rejoinder nothing new has been said.

5. At the outset it may be mentioned that the claim of employment of the concerned workman on basis of circular is not being considered as it is beyond the scope of reference.

6. From the admitted pleadings of the parties it is evident that the concerned workman had worked for 197 days during last one year preceding of the date of termination i.e. 31-12-72 It is inclusive of Sundays and other holidays, hence he had not completed 240 days in a year. As such provisions of sec. 25F of Industrial Disputes Act, 1947, are not attracted

7. However, there is specific averment supported by the concerned workman that persons junior to the concerned workman were retained and he was not given opportunity when fresh hands were employed. He has neither been cross examined by the management nor any evidence has been given. In its absence I have no hesitation in holding that there has been breach of section 25G of Industrial Disputes Act, 1947. It may be further pointed out that in the case of Management of State Bank of Bikanar & Jaipur versus Their workmen Civil Appeal No. 7029 of 1994 decided on 8-2-96 it has been held by the Hon'ble Supreme Court that completion of 240 days in a year is not necessary for attracting the provisions of section 25G & 25H of Industrial Disputes Act, 1947, while effecting retrenchment of the concerned workman. Hence on this score the retrenchment is bad in law.

8. No. doubt there is delay in raising the present industrial dispute. It may be mention that first the concerned workman has raised the dispute but the same was refused. However, he was successful in his second attempt. Apart from this there is unusual feature in the case. The parties have adduced evidence regarding preparation of select list on the basis of Scheme of 1968 according to which the issues of employees of bank were to be given 25 percent post. It is not disputed that the concerned workman figured at serial no.15 whereas serial no. 22 Mohan Lal Jhingaran has been given employment. The bank's justification for making this deviation is apparently not justified. Hence, the concerned work man has been denied the valuable right. He would have been entitled for relief on this score but the same has been denied to him, because this matter was beyond the scope of reference. Still having compassion on this basis I would condone the delay and award reinstatement with back wages from the date reference.

9. Consequently it is held that the action of the management of Central Bank of India, Varanasi, in terminating the services of Sri Chandan Sekhar Singh Cashier w.e.f.1.1.73 is not justified and concerned workman is reinstated in service with back wages from the date of reference.

10. Reference is answered accordingly.

B.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 1996

का.प्र. 67.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/12/96 को प्राप्त हुआ था।

[संख्या एल-12012/559/89-डी-2-ए]  
के.बी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 17th December, 1996

S.O. 67.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of Allahabad Bank, and their workmen, which was received by the Central Government on 12/12/96.

[No. L-12012/559/89-D-2A]  
K.V.B. UNNY, Desk Officer

ANNEXURE  
BEFORE SHRI B. K. SRIVASTAVA PRESIDING  
OFFICER CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT  
DEOKI PALACE ROAD PANDU NAGAR  
KANPUR

Industrial Dispute No. 79 of 1990  
In the matter of dispute

BETWEEN

General Secretary All India  
Allahabad U.P. Unit  
104/C-11 Civil Lines  
Jail Road Behind District  
Supply Office Bareilly.

AND

Regional Manager  
Allahabad Bank  
Regional Office  
Nainital.

APPEARANCE :

Workman in person.

Shri M. K. Verma—for the Management.

AWARD

1. Central Government, Ministry of Labour New Delhi vide its notification No. L-12012/559/89-D-2-A dated 7-3-90 has referred the following dispute for adjudication to this Tribunal.

KYA ALLAHABAD BANK KE FRASHASHAN TANTRA DWARA SHRI VIRENDRA NATH MEHROTRA CLERK KO DINAK 11-4-07 SE NOKRI SE NISHKASHIT KARNA NYOCHIT HAI? YADI NAHI TO KARMCHARI KIS ANUTOSH PANE KE ADHIKARI HAI?

2. The concerned workman V. N. Mehrotra was working as clerk in the city branch bareilly of opposite party Allahabad Bank. He was served charge sheet on 14-2-85 the copy of which has been annexed alongwith my finding on preliminary issue. One R. P. Srivastava Manager of Cossabad branch was appointed enquiry officer. After completing enquiry the enquiry officer has submitted his report on 10-12-86 by which it was found that all the four charges were fully proved. After issuing show cause notice the appointing authority passed dismissal order on 11-4-87, which has given rise to present industrial dispute.

2. In the claim statement the concerned workman had inter alia challenged the fairness and propriety of enquiry report, which was denied by the Management in the written statement. Hence a preliminary issue regarding validity of domestic enquiry was framed. Vide finding dated 11-9-96 this tribunal had held that enquiry was fairly and properly held.

3. Thereafter the parties were heard on the quantum of punishment, as envisaged by Section 11-A I.D. It was urged by the concerned workman that he has to maintain a large family and as such on compassionate ground he ought not to have been awarded economic death sentence. It will be evident that the concerned workman held guilty of gross misappropriation of money of the customers of bank. In my opinion such a person is not fit to be retained in service, because of loss of confidence, which is inherent in such a case. If in such a case punishment less than dismissal is awarded there will be miscarriage of justice. The functioning of bank will be adversely effected. Hence my award is that the dismissal of concerned workman from service was justified and the concerned workmen is not entitled for any relief.

4. Copy of finding of preliminary issue and charge sheet shall form part of the award.

Do. : 15-11-1996.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1996

का.आ. 68.—श्रीयोगिता विदाः अभिनवस, 1947 (1947 का 14) को धारा 17 के अनुसरण में केन्द्रीय सरकार ए.आर. नैम एंड सन्स के प्रबंधन के संबंध में निम्नलिखित शर्तों के अन्तर्गत के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1 मुम्बई के पंचाट को प्रकाशित करता है जो केन्द्रीय सरकार को 13-12-96 को प्राप्त हुआ था।

[सं. एन-31012/13/91-आई आर (विधि)]  
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th December, 1996

S.O. 68.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure. in the industrial dispute between the employers in relation to the management of A. R. Naim & Sons, Bombay and the workman, which was received by the Central Government on 13-12-96.

[No. L-31012/13/91-IR (Misc.)]  
B. M. DAVID, Desk Officer.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, - Presiding Officer.

Reference No. CGIT-1/74 of 1991

PARTIES :

Employers in relation to the management of M/s. A. R. Naim and Sons, Bombay.

AND

Their workman.

#### APPEARANCES :

For the Management : No appearance.

For the Workman : Workman present in person.

STATE :

Maharashtra

Mumbai, dated the 19th day of November,

#### AWARD

Present none on behalf of management. Workman in person.

The Central Government referred the following dispute for adjudication to this Tribunal vide order dated 04-9-91.

"Whether the action of the management of M/s. A. R. Naim & Sons, a Stevedore operating in Major Port of Bombay—in terminating the services of Shri Venkatram S. Devar, Loader, w.e.f. 22-2-1989 who was in continuous employment for more than 8-10 years is legal, proper and justified? If not, to what relief is the workman entitled?"

2. The workman filed his written statement of claim on 10-2-1992 wherein he inter-alia pleaded that he had been serving under M/s. A. R. Naim and Sons since 1981. His last drawn salary was Rs. 1500 p.m.

3. The workman has pleaded that he proceeded on leave on 22nd February, 1989. On March 1989, he fell sick with Bronochitis. The Doctor advised the workman to take rest till 8th May 1989. The Doctor eventually issued a fitness certificate w.e.f. 9-5-89. The workman returned to Bombay on 13-5-89 and tried to resume duty but was not allowed to do so. He was told by the partner of the management that they would terminate his services.

4. It is averred that the management published a notice in the Indian Express (June 5, 1989) asking the workman to resume duty. This was done in spite of the fact the workman had reported for duty on 13-5-89. It was pleaded that eventually services of the workman were terminated by the management without holding an enquiry and without complying with the provisions of Sec. 25E and 25F of the Industrial Disputes Act.

5. Upon such premises, the workman claimed reinstatement with back wages and continuity of service and consequential benefits.

6. The management resisted the claim of the workman. It was not denied that the workman was in the employment of the management. It was admitted that the last drawn salary of the workman was Rs. 1500 p.m. The management denied that the workman proceeded on sanctioned leave on 22nd February 1989. It was pleaded that the workman voluntarily abandoned his service and did not report back on duty in spite of the notice issued in Indian Express of June 5, 1989. It was denied that the workman had fallen ill as claimed or had reported on duty on 13th May, 1989. It was pleaded that entire story of alleged illness was a concoction. It was pleaded that there was no question of making an enquiry as the workman had abandoned his job. It was denied that the management violated the provisions of Sec. 25F of the I.D. Act.

7. The management also took a preliminary objection that the Central Government was not the appropriate Government in the matter and hence the reference was bad.

8. Upon pleadings of the parties, I framed following issues:

(i) Whether the reference is made by proper appropriate Government?

(ii) Whether the termination is justified in the circumstances of the case?

(iii) If yes, to what relief the workman is entitled to?"

9. The workman did not file any documentary evidence in support of its case. The management placed on record one letter Ex. A issued by the Government of India dated 16-5-1991 wherein with reference to termination of service of one K. S. Sharma, an employee of the management, the opinion was expressed that the Central Government, was not the appropriate Government. It also placed on record a copy of Indian Express dated 5th June, 1985.

10. It may be stated that on 11-10-95, the workman was directed to file his affidavit in evidence along with documents, if any. The workman did not comply with this order and on 21-11-95, time was again sought to file affidavit and documents. Time was again granted in interests of justice but neither affidavit was filed, nor any documents were produced. The case was adjourned on some other dates but yet neither affidavit, nor documents were filed. Hence, on 30-9-96, I closed the evidence of the workman. Since, the management was also not present, I had no alternative but to proceed ex parte in the matter.

11. Today, the workman has come out with an application for adjournment but I find that no useful purpose would be served by granting any adjournment. Hence, I have proceeded to hear the matter ex parte. I have heard the workman in person. My findings issuewise are as follows :

Issue No. (i).—There is no material on record to show that the 'industry' carried on by the management is an industry carried on or by the Central Government. It is not an industry carried on by a Railway company. It has not been shown that it is a controlled industry as envisaged by Sec. 2(g) of the I.D. Act. There is no material to show that the management operated its industry in any major port as defined in clause (8) of Sec. 3 of the Indian Ports Act. Hence, I find that the workman has failed to show that in the present dispute, Central Government is the appropriate Government. Ex. A shows that in respect of a workman serving under this very management, the Central Government expressed an opinion that it was not the appropriate Government. Hence, I decide this issue against the workman.

Issue No. (ii).—The workman was required to show that he proceeded on duly sanctioned leave and fell ill and consequently due to his absence, his services were terminated. The workman has not led any evidence to prove these facts. Admittedly, the workman absented himself on 22nd February, 1989 and did not report back on duty inspite of issue of Ex. B. In such circumstances, the management could very well draw the inference of abandonment of service. Hence, it is not shown that there was any termination, much less illegal or unjust termination of service.

Issue No. (iii).—Relief.—The workman is not entitled to any relief.

As a result of finding on issue No. (i), this reference is rejected.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1996

का.प्र. 69.—संघीय विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संघर्ष निरोधकों और उनके कर्मचारियों के बीच अन्वय में निदिष्ट संघीय विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण में, I, मुम्बई के पंचाट की प्रकाशित करती है जो केन्द्रीय सरकार को 13-12-96 को प्राप्त हुआ था।

[सं. एन-31012/3/95-आई यार (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th December, 1996

S.O. 69.—In pursuance of Section 11 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on 13-12-1996.

[No. E-31012/3/95-IR (Misc)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-1/37 of 1995

PARTIES :

Employers in relation to the management of Bombay Port Trust

AND

Their workmen.

APPEARANCES :

For the Management—Shri M. B. Anchan, Advocate.

For the workman—Shri Jaiprakash Sawant, Advocate.

STATE :

Maharashtra

Mumbai, the 22nd day of November, 1996

#### AWARD (Part-II)

The appropriate Government has referred the following dispute for adjudication to this Tribunal:—

"Whether the action of the management of Bombay Port Trust in imposing the punishment of reduction from his officiating post of Asstt. Shed Superintendent to the post of Clerk Grade I for a period of two years with reduction of his pay from Rs. 2010 in the higher scale to Rs. 1980 in the lower scale on Shri Harishchandra Munshilal is justified? If not, to what relief the workman is entitled?"

2. Admittedly, the workman Shri Harishchandra Munshilal was officiating as Assistant Shed Superintendent, Docks Department, Bombay Port Trust at the relevant time and was posted at the yellow gate of B.P.T.

3. A domestic enquiry was conducted against the workman on the following articles of charge :

"ARTICLE OF CHARGE AGAINST SHRI HARISH CHANDRA MUNSHILAL, OFFG. ASSISTANT SHED SUPERINTENDENT, DOCKS DEPARTMENT, BOMBAY PORT TRUST

Shri Harish Chandra Munshilal, Offg. Assistant Shed Superintendent, Docks Department, Bombay Port Trust, while functioning as Gate Assistant posted at Yellow Gate, Prince's Docks, Bombay Port Trust, on 16/17th October, 1992 committed the gross misconduct inasmuch as he collected illegal gratifications in the form of 'speed money' from various Cleaners/Transporters who were passing through the aforesaid BPT Gate.

The aforesaid action on the part of Shri Harish Chandra Munshilal clearly show that while functioning as such he did not maintain absolute integrity and devotion to duty and acted in a manner prejudicial to the interest of the BPT is violation of Regulation 3(1-A)(i) and (ix) of the Bombay Port Trust

Employees (Conduct) Regulations, 1976, rendering himself liable to be proceeded departmentally under Regulations 8 and 11 read with Regulations 12 and 13 of the Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976.

Bombay, dated this 14th day of January 1993."

4. The Enquiry Officer after a due and proper enquiry held the charge proved vide enquiry report dated 22-9-93 in the following terms :

"The charge levelled against M. H. Shah and H. C. Munshilal stands proved. However since it is established that neither of them had demanded any illegal gratification, but had merely accepted whatever amount that was passed on, it can safely be assumed that these two employees were the victims of the dangerous and unfair practice that has been established by the transporters. Further, I would like to take this opportunity to suggest to the Port Trust authorities as well as to the Employees Union to impress upon all the employees the dangerous involved in the practice of perfunctory checking of outgoing and incoming vehicles for a petty amount and thereby exposing the nation to great security hazards."

5. The Disciplinary Authority concurred with the aforesaid finding of the Enquiry Officer and issued due show cause notice to the workman in the following terms :

"Under Regulation 13(4) of the Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976 notice is hereby given to Shri H. C. Munshilal, Clerk, Grade I, Docks Department, that it is proposed to impose on him with immediate effect, the penalty of reducing his officiating post of Assistant Shed Superintendent in the scale of Rs. 1240-50-1590-60-2070-70-2560 to the post of Clerk Grade I in the scale of Rs. 1220-50-1620-60-2220 for a period of two years. During the period of penalty, his pay will be lowered to the stage of Rs. 1980 (1220-50-1620-60-2220) from the stage of Rs. 2010 (1240-50-1590-60-2070-70-2560). It is also proposed that Shri H. C. Munshilal will not earn increments of pay during the period of penalty and on expiry of the period of penalty, the reduction will have the effect of postponing the future increments of his pay after restoration to the original post. Shri H. C. Munshilal is hereby called upon to submit within 15 days from the date of receipt of this memo, such representation as he may wish to make on the proposed penalty as mentioned above on the basis of evidence adduced during the enquiry. If no representation is submitted within the period specified, it will be presumed that Shri Munshilal has no representation to make and the proposed penalty will be imposed upon him without further reference to him."

6. The workman filed a representation dated 5th November, 1993 against the said proposed penalty.

7. The said representation was considered by the Disciplinary Authority. He also gave a personal hearing to the workman. Eventually by a detailed and reasoned order dated (not legible), the Disciplinary Authority passed the following order :

"I Dinesh Afzulparkar, Chairman, Bombay Port Trust, in exercise of the powers vested under Regulation 13(4)(iii) of the Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976, do hereby order that Shri H. C. Munshilal be imposed with immediate effect the penalty of reduction in his officiating post of Assistant Shed Superintendent in the scale of Rs. 1240-50-1590-60-2070-70-2560 to the post of Clerk Grade I in the scale of Rs. 1220-50-1620-60-2220 for a period of two years. During the period of penalty, his pay will be lowered to the stage of Rs. 1980 (1220-50-1620-60-2220) from the stage of Rs. 2010 (1240-50-1590-60-2070-70-2560). Shri Munshilal will not earn any increment during the period of penalty

and on expiry of the period of penalty, the reduction will have the effect of postponing the future increments of his pay after restoration to the original post.

Further, the order bearing No. ZE/38-80/10354 of 92-93 dated 18th December 1992 placing Shri H. C. Munshilal under suspension is hereby revoked with immediate effect. Shri Munshilal is, therefore, directed to resume duty immediately. The period of suspension of Shri Munshilal will be treated as such with all its consequences.

A copy of this order may be placed on the CR dossier of Shri H. C. Munshilal."

8. Aggrieved by the said order, the Bombay Port Trust Employees Union, raised an industrial dispute which was admitted in conciliation. The conciliation proceedings failed and eventually the appropriate Government, referred the dispute as aforesaid to this Tribunal for adjudication.

9. The Union filed its written statement of claim on 28-12-93 inter-alia pleading that the domestic enquiry held against the workman was not legal, fair and proper.

10. This question was adjudicated by me vide part I Award dated 24th June, 1996 whereby I repelled the contentions of the union and found that the enquiry held against the workman was valid, proper and fair.

11. Now, on the pleadings of the parties, the following questions survive for consideration of the Tribunal :

(i) Whether the charge of the misconduct levelled against the workman is proved to the satisfaction of the Tribunal by acceptable evidence ?

(ii) Whether the punishment inflicted on the workman is justified ?

12. I have heard the learned representatives of the parties and have perused their written submissions and have gone through the evidence adduced before the Enquiry Officer.

13. The case of the department, as unfolded by FIR dated 19-12-92 is that the CBI received information to the effect that the B.P.T. employees, posted at Yellow Gate, Princes Dock B.P.T. were illegally collecting speed money, from the Truck Cleaner/Transporter, Custom House agent at the time of entry of Trucks, entering inside the gate and out of the gate. Upon receiving entering inside the gate and out of the gate was conducted by C.B.I. Authorities on 16-10-92 at 21.50 Hrs. at the Yellow Gate and among other persons, Shri Harishchandra Munshilal was seen throwing away a currency note of denomination of Rs. 20 which he had accepted from M. M. Bhanushali of M/s. Ankleshwar Golden Transport, Bombay for clearing Lorry No. MRL 6779. During the said raid the concerned cleaners, Home agents and Transporters admitted that they were required to pay this sort of speed money to B.P.T. staff to avoid detention of goods. It was also unfolded in the FIR that a Panchnama had been prepared on the spot on 16-10-92 itself in presence of two independent witness viz. G. N. Lalit and G. R. Limaye. This Panchnama inter-alia recited that the workman Harishchandra Munshilal had thrown away a currency note of Rs. 20 which had been given to him for Lorry No. MLR 6779 by one M. N. Bhanushali.

14. It may be stated that on 22-10-92 statement of the workman was recorded by Mr. Karve the Deputy Supdt. of Police. This statement may be reproduced in extenso :

"Statement of Shri Harishchandra Munshilal, Age-40 years, Occupation—Gate Assistant, BPT, Bombay, R/o Bldg. No. 35/721 New BPT Colony, Nadkarni Park, Wadala, Bombay-400037 (Basic Pay—Rs 1,950).

Being asked I have to state that I joined the Service in BPT on 2-1-1975 as a Tally Clerk. In October 1991 I was promoted as Assistant Superintendent (Officiating) and when I was posted in the Gate at Dock, I was called as Gate Assistant.

Q. On 16-12-1992 when you were posted at Export Side Gate at Yellow Gate, Princess Dock, why

are you accepted Rs. 20 from one Mr. N. B. Bhanushali ?

A. On 16-10-1992 I had not accepted Rs. 20 but I was to give him Rs. 15 Back from Rs. 20 which he had given to me. Rs. 5 were meant for Tea/Snacks.

Q. How much amount is collected for Tea/Snacks ?

A. We are demanding any amount from them. Some drivers, cleaners and CHAs are giving some amount in lumpsum for Bulk Cargo.

Q. Why such amount are accepted by you ?

A. They are giving this amount as a customary practice. No body demands such amount. No harassment is made to any person who are not giving such amount.

Q. How the amounts are spent or divided amongst the staff at Yellow Gate ?

A. If the complete amounts are not spent for Tea/Snacks expenses, such amount are kept for spending for next working day. They give this amount as a goodwill.

The statement is read over and found to be correctly recorded."

15. At the domestic enquiry, the Departmental representative examined M. H. Bhanushali, who had accompanied the Truck MLR 6779. This witness stated in no uncertain terms that he had given a currency note of Rs. 2 to the workman alongwith two documents Ex. P-8 and Ex. P-9; soon thereafter, he was accorded by a CBI officer and was being taken to the gate house. He saw the workman throwing away the currency note of Rs. 20 which the witness had given to the workman. He stated that the money had been given by him to workman to avoid delay at the gate. Of course he admitted that workman had not demanded the money and it was normal to pay such money at the gate to avoid delay. This statement of Bhanushali could not be shaken in cross-examination in any way. Rather, it is corroborated by the recitals in the Panchnama prepared on the spot. Hence, in agreement with the Enquiry Officer and the Disciplinary Authority, I find it proved that the workman did accept a currency note of Rs. 20 from Bhanushali and this money was paid to the workman to avoid delay at the gate.

16. The workman has tried to justify the acceptance of Rs. 20 on two counts (i) He had not demanded the money (ii) It was a practice to accept such money for tea and snacks. He has further challenged the domestic proceedings on the ground that no criminal chargesheet was filed against the workman even though the CBI has instituted an FIR.

17. So far as the last ground is concerned, it is not the law that a person can not be tried departmentally merely because an FIR had been registered but no chargesheet was filed. Shri Jaiprakash Sawant referred to certain rulings in this regard but I do not find that any such statement of law has been made in the said rulings.

18. Now, to say that since illegal gratification was not demanded, expressly, hence acceptance thereof would become, lawful, is to turn a blind eye to the fact situation of the case because it is evident that money used to be paid at the gate to the B.P.T. employees to avoid delay. To my mind acceptance of such money definitely amounted to receipt of illegal gratification. Such acceptance of money as speed money was not warranted by any regulation.

19. To justify the acceptance of graft on the ground of practice or custom is again unwarranted. A practice or custom which is opposed to public policy can not be countenanced at all.

20. Mr. Sawant repeatedly urged that the Enquiry Officer in his report observed as under :

"It can safely be assumed that these two employees were the victims of of the dangerous and unfair practice that has been established by the transporters".

Upon such basis, it is submitted that the workman fall a victim to the practice of giving speed money by the transporters and hence, I should hold that he did not commit any misconduct. I do not agree. The aforesaid conclusion of the Enquiry Officer demonstrates an extreme perversion in logic whereby beneficiaries are labelled as victims and victims are said to have established the practice of giving speed money. The Enquiry Officer forgot that transporters used to pay speed money to avoid detention of their lorries. Thus, they were the real victims of the system and not the other way round. The workman was really not a victim but a beneficiary of the system and this cannot be a ground to say that he did not accept any illegal gratification. Hence, I hold that the charge was proved to the hilt against the workman.

21. This taken me to the consideration of the quantum of punishment. I find that the same has already erred on the side of leniency. I, therefore, find no ground to interfere.

22. In the aforesaid provisions, I uphold the action taken by the management. The workman is not entitled to any relief and award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1996

का.प्र. 70.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, मुम्बई के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-12-96 को प्राप्त हुआ था।

[एन.-31012/1/95-ग्राई आर (विविध)]  
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th December, 1996

S.O. 70.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on 13-12-96.

[No. L-31012/1/95-IR (Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer  
Reference No. CGIT-1/32 of 1995

PARTIES :

Employers in relation to the management of Bombay Port Trust.

AND

Their workmen

#### APPEARANCES :

For the Management.—Shri M. B. Anchan, Advocate.

For the Workman.—Shri J. P. Sawant, Advocate.



STATE :

Maharashtra.

Mumbai, dated the 27th day of November, 1996

## AWARD

The appropriate Government has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Bombay Port Trust in terminating the services of Shri Ramesh Sahadeo Naik, Hospital Attendant, w.e.f. 29-1-94 is legal and justified? If not, to what relief the workman is entitled to?"

2. Admittedly, the workman Shri R. S. Naik was serving as an attendant in the Hospital of the employer-management on the relevant date. It is alleged that on 4-7-92 Dr. A. R. Ashtekar, Physician of the Hospital received a complaint from one R. G. Jagtap that he had attended O.P.D. No. 6 for his E.C.G. One attendant took his E.C.G. and after taking the E.C.G. informed him that the E.C.G. was bad and if Mr. Jagtap wanted a fitness certificate the said attendant would obtain E.C.G. from another healthy person and would replace the E.C.G. of Mr. Jagtap by E.C.G. of the healthy person. But, for this Mr. Jagtap shall have to pay Rs. 50. Shri Jagtap had only Rs. 20 with him which he paid to the said attendant and promised to bring the balance Rs. 30 on Monday, the 6th July, 1992. Shri Jagtap, however, decided to bring this fact to notice of Dr. Ashtekar and informed him as to what had transpired. Dr. Ashtekar is said to have summoned the E.C.G. attendant Shri R. S. Naik to his room. Mr. Jagtap identified Shri Naik and confirmed that it was Mr. Naik who had received Rs. 20 from him. At this Mr. Naik went out of the cabin of Dr. Ashtekar and brought Rs. 20 and paid the same to Mr. Jagtap. However, Mr. Jagtap got a complaint recorded the same day. Upon this complaint being brought to notice of the Chief Medical Officer Dr. S. Y. Jagavkar, he asked for an explanation of Mr. Naik vide his letter dated 28-7-92. The workman submitted a written reply dated 3-7-92 whereby he denied that he had asked Mr. Jagtap for any money. According to him, the E.C.G. of Mr. Jagtap had been taken by one Mr. Bodas and not by him. However, Dr. Ashtekar by letter dated 29-8-92 confirmed the fact that Mr. Jagtap had made a complaint that he had been asked to pay a sum of Rs. 50 by the E.C.G. attendant and he had paid a sum of Rs. 20 to the attendant and Rs. 30 were to be paid on 6th July. Dr. Ashtekar confirmed that the workman Shri Naik was summoned to his room and was confronted with the complaint, upon which Mr. Naik went out and returned with Rs. 20 and paid the same to Mr. Jagtap.

3. Upon such facts a domestic enquiry was ordered by the Chief Medical Officer vide chargesheet dated 8/11 September 92. The workman submitted a detailed reply dated (not legible) whereby he denied the charge. Thereupon, Shri Rane was appointed Enquiry Officer vide order dated 13th November 1992. One Dr. H. C. Vora was appointed as the presenting Officer.

4. The first sitting of the Domestic Enquiry was held on 3-3-93 at which the workman reiterated his denial of the charge and the enquiry was adjourned to 17-3-93. On 17-3-93 the prosecution examined PW-1 R. G. Jagtap. He was cross-examined at length on 17-3-93 and 31-3-93 by Mr. Y. S. Rane, defence nominee of the workman. On that date, the Presenting Officer sought permission to examine some more witnesses, which permission was granted. On next date of hearing Shri A. I. Pawar was examined. He was cross-examined on 7-4-93 and 21-4-93. Thereafter Dr. A. R. Ashtekar was examined on 11-6-93. He was duly cross-examined and the Departmental Representative closed his evidence. Shri Bodas, who was cited as a witness for the prosecution was dropped by the Departmental Representative. Eventually, the workman examined Mr. Bodas as a defence witness, who was duly cross-examined. The workman examined himself also in defence as DW-2. He was also duly cross-examined.

5. It may be stated that during the course of enquiry, Dr. H. C. Vora took retrenchment and hence Dr. Mrs. R. M. Shanbhag was appointed departmental representative.

Lastly, the defence examined one N. G. Jaitapkar as its witness and closed the evidence.

6. Eventually, the Enquiry Officer submitted his report dated 13-10-93 whereby he found the workman guilty of committing misconduct of taking bribe or illegal gratification.

7. The Disciplinary Authority along with memo dated 20-12-93 sent copy of the Enquiry Report to the workman asking him to show cause why he should not be compulsorily retired for his misconduct. The workman filed a detailed reply. The Disciplinary Authority considered the reply and imposed upon the workman penalty of compulsory retirement.

8. Aggrieved, the workman appealed to the Chairman, who granted him personal hearing in the matter. The workman appellant was duly heard by the appellate authority, the Deputy Chairman, who dismissed his appeal vide order dated 24-5-94.

9. Aggrieved, the union took the matter in conciliation. The conciliation failed and the appropriate Government referred the dispute to this Tribunal as noticed above.

10. The union filed its statement of claim on 13-10-95 wherein it was inter alia pleaded that appointment of Mr. Rane, an outsider as Enquiry Officer was bad. It was pleaded that Enquiry Officer suffered from bias in favour of management. The finding of the Enquiry Officer were perverse and the workman deserved to be exonerated and reinstated with consequential relief.

11. The management has opposed the claim and has submitted that the enquiry was legal, fair and proper. The appointment of E. O. did not suffer from any invalidity. There was no bias and punishment imposed was proper.

12. Both the sides have not led any oral evidence and rely upon the documentary evidence placed on record.

13. I have heard both the sides and have perused the record. First of all, I may deal with the question of legality, propriety and fairness of the enquiry. No procedural defect has been pointed in the enquiry. The first contention of the union is that the enquiry officer was not an officer of the management but was an outsider and hence could not have been appointed to conduct the domestic enquiry. Reliance has been placed upon a judgment of Orissa High Court in the matter of Sibakishore Pattnaik vs. Chief Engineer Pardin Port Trust and another 1992 Lab. I.C. 1012. The other contention is that Enquiry Officer was biased.

14. I may state at the outset that it is settled law that an outsider can always be appointed as an Enquiry Officer. Reference may be made in this connection to 1963 II I.L.J. 429 Anand Bazar Patrika. At page 434 Col. I, the apex Court observed :

"It does appear that an argument was urged before the Labour Court that the Enquiry Officer being an outsider, the enquiry was void ab initio. This objection had been over ruled by the Labour Court and, in our opinion the labour court was right." (emphasis supplied).

15. I have carefully read the Orissa authority and the Reputation which it interpreted. The Reputation did not say in terms as to who was to be appointed enquiry authority. It merely laid down that an authority was to be appointed to enquire into the misconduct. Upon such wordings the High Court arrived at the conclusion that it must be an authority under the employer. To my mind, with utmost respect, the meaning attributed is far fetched. To my mind, it only meant that an authority or enquiry was to be appointed. Such an enquiry could very well be an outsider as well. As soon as it is nominated to enquire, it is clothed with characteristics of an authority for the purpose. Hence I do not find any substance in the contention and rejected the same.

16. Now I take up the other contention of the workman viz. that the Enquiry Officer was biased. The contention has been taken in para (iii) of the written statement of claim and reads as follows :

"The Enquiry Officer who had a bias against the workman gave the findings which are totally perverse, illogical, illegal, erroneous and unjustified as brought out to the notice of the Chief Medical Officer by the workman in his reply dated 4-1-1994. The Enquiry Officer ignored and failed to evaluate the legal evidence on the record and gave his findings based on his suspicion and surmises. The evidence given by the workman was a complete truth. The Enquiry Officer in his attempt to help the management failed to evaluate the evidence on the record. The Chief Medical Officer's action in imposing a penalty on the basis of perverse findings is liable to be set aside."

The contention, to say the least, is very vague and general and is devoid of all merit. In 1963 II L.J. 174 Golam Rasul Vs. P.S.C. (W.B.) and Ors. relating to bias was stated as follows :

"Mr. Roy argued in the next place that the Enquiry Officer was considerably biased against the petitioner. No particulars of bias could be ascertained from the facts and circumstances pleaded in this ride and in the absence of that I do not hold that the Enquiry Officer was biased against the petitioner. This argument advanced on behalf of the petitioner also fails."

In my opinion, if the workman wanted to plead bias of Enquiry Officer, he should have pleaded appropriate facts and particulars showing bias. To my mind, to sustain a plea of bias, it is incumbent on the party pleading bias to particulars facts and instances, on the basis of which plea of bias is made out. In the present case, no such particulars have been pleaded or shown. Hence, I do not find any merit in this contention and reject the same.

17. The upshot of the discussion is that the enquiry against the workman was legal, fair and proper.

18. Now, I have to see if the finding of the enquiry officer is perverse and really the misconduct attribute to the workman has not been proved by acceptable evidence. Here, I may state, what is trite law viz. that Industrial Tribunals, while considering the findings of domestic enquiries must bear in my mind that persons appointed to hold such enquiries are not lawyers and judges and that such enquiries are of a simple nature where technical rules of evidence and procedure do not prevail. As such, such findings are not to be easily brushed aside. (See 1969 II L.J. 799 (809)—Tata Engineering and Locomotive Co. Ltd.).

19. I have gone through the evidence recorded at the domestic enquiry. The charge is principally based on the testimony of R. G. Jagtap. His evidence in examination-in-chief is to the following effect :

"I visited the Port Trust Hospital on 4-7-92 at 8.00 a.m. and I gave my blood and urine samples. I was called 2 hours after break-fast for second sample of blood. I gave second sample of blood as instructed by the Pathology, with urine. Then I went to E.C.G. Department in the afternoon. Mr. Naik was present there in the E.C.G. Department. I was asked to lie down on the coach after removing my clothes. Then he took my E.C.G. and told that the record was not coming properly and I will try again. He again told me that your tracing is not coming properly. He asked me whether any other person is accompanying me whose E.C.G. can be yours ; otherwise your fitness will be delayed by a month or so. I said that there is nobody with me here at present. Then the C.S.E. said to me that if nobody is accompanying you, then I have got somebody here in this Hospital whose E.C.G. I will

take in place of you and will say that this is your cardiogram. This person is a healthy person. For that, you will have to pay Rs. 50 to me to be given to that person. C.S.E. told me that do not give me the money here but pay the amount to me outside. You go ahead I am coming. Since I was having only Rs. 20, I told him that I have only Rs. 20 and I can give you only Rs. 20 now. This I told the C.S.E. in the passage outside the ECG Department and pay me the balance amount. Then I paid him Rs. 20 in the passage. C.S.E. told me that this thing should not be revealed to anybody. He reminded me that I should pay him Rs. 30 on Monday. My cardiogram was taken twice by the C.S.E.

After this incidence, I thought that though I am quite healthy, I am told by the C.S.E. that my E.C.G. is not coming properly, and since he has demanded money, I thought of approaching an officer from Hospital. Hence, I went to Mr. Pawar's Office. I made enquiries with somebody on the ground floor of the P.T. Hospital building as to whom I should approach for this type of incidence. I did not know the person, but he told me to see Mr. Pawar. So I enquired regarding Mr. Pawar's office and approach Mr. Pawar. I told Mr. Pawar about the incidence and Mr. Pawar also enquired further about the incidence. He called somebody who recorded my statement. The statement recorded on 4-7-1992 is mine and I identify the same with my signature. This is taken on record as Ex. 2. Mr. Pawar took me to Dr. Ashtekar's room. It was around 4.00 p.m. I was taken to Dr. Ashtekar. Myself and Mr. Pawar went to Dr. Ashtekar's room together. Mr. Pawar narrated the incident to Dr. Ashtekar. After hearing Mr. Pawar, Dr. Ashtekar asked me to narrate whatever has happened. I narrated whatever I have given in writing. Dr. Ashtekar called Mr. Naik in his room. Dr. Ashtekar asked Mr. Naik what has happened as far as Mr. Jagtap is concerned. Dr. Ashtekar told Shri Naik that he should not have taken money and spoiled the name of this Hospital. Dr. Ashtekar asked Mr. Naik to return the money taken from Mr. Jagtap. Shri Naik returned me back the money Rs. 20. Then Dr. Ashtekar asked Mr. Naik to leave his room and asked me to come again when called for. Then I left. When I went to E.C.G. room for taking my E.C.G. there were two persons. I do not know the identity of the second person. At the time of taking my E.C.G., only Shri Naik was in the room, and the second person had left the room.

Examination in Chief is over."

This witness was submitted to detailed cross-examination. It was suggested to him that E.C.G. was not taken by Mr. Naik but by another person. He has stoutly denied this.

The witness elaborated that Jagtap had paid two currency notes of Rs. 10 each to the workman and the workman had returned two currency notes of Rs. 10 each. There is no cross-examination worth the name on this aspect of the matter.

In his cross-examination, the workman put his own version as to what transpired in the room of Dr. Ashtekar. The relevant question and answer are reproduced below :

"Ques. When Mr. Naik was called by Dr. Ashtekar, Mr. Naik first told him that he has not accepted any money from you. Thereafter, Dr. Ashtekar told Mr. Naik to settle the matter between two of you, otherwise there will be serious consequences

Is it correct ?

Ans. This statement is not correct.

Ques. When Dr. Ashtekar told Mr. Naik to settle the matter, Mr. Naik had gone out of Dr. Ashtekar's room and brought the money and refunded it to you. Is it correct ?

Ans. Yes. It is correct.

Ques. When the money returned to you were the same currency notes which you say that you had given to Mr. Naik?

Ans. Yes. The currency notes were the same which I had given to Mr. Naik.

Ques. Whether you had noted down the numbers of the currency notes?

Ans. No.

Ques. When you had not taken down the numbers, how you can say that the currency notes which Shri Naik had returned to you, were the same that you had given previously to Shri Naik?

Ans. What I recollect that the notes I had given to Shri Naik were soiled. Soiled notes were returned to me. Hence I say that the currency notes were the same."

I may state that no reason was suggested in cross-examination as to why this witness should falsely implicate the workman, why he should have gone to Dr. Ashtekar to complain against the workman and why he should have received back the currency notes. All this highly probables the story put forth by this witness.

20. The story given by this witness is corroborated in material particulars by A. J. Pawar and Dr. Ashtekar.

A. J. Pawar in his examination in chief gave the following story :

"My name is Shri A. J. Pawar. I have been working in Bombay Port Trust for the past 36 years. At present I am working as Administrative Officer in Medical Department, Bombay Port Trust. I identify Shri R. S. Naik. Relied on my memory, without referring to the statement of the complainant, I state that one Mr. Jagtap, employee of Bombay Port Trust had reported to P. T. Hospital on or about 4th July, 1992 in connection with his fitness etc. On that day he came to me and lodged complaint that the person working in the E.C.G. Section on that material day had asked for Rs. 50 to give normal E.C.G. for Mr. Jagtap. According to the employee, he had been initially at B.E. Dispensary for fitness and from that dispensary he had been referred to Port Trust Hospital for further investigation and opinion. The employee told me that the said person had told him to lie down on the bed and asked him to close his eyes. Later on the person who took E.C.G. told Mr. Jagtap that his E.C.G. was bad and if he goes to doctor with this E.C.G., he would be detained for months for fitness. Mr. Jagtap further alleged that the said person said if he has brought any other person with the patient he would take out his E.C.G. and paste the same for Mr. Jagtap as normal E.C.G. Then Mr. Jagtap said that none had accompanied him. The said employee, then, further told Mr. Jagtap that there is one person known to him whose E.C.G. is normal and he would give that E.C.G. for Jagtap but that person would have to be paid Rs. 50. Then Mr. Jagtap said that he was short of money and would pay only Rs. 20 and the remaining amount would be paid by Mr. Jagtap later on. Then I recorded his statement (Jagtap's) in my presence and took him to Dr. A. R. Ashtekar, Chief Physician, under whom the E.C.G. Section is placed. Relied on my memory and the recollection, the employee reported to me at about 3.00 p.m. or so. After recording Mr. Jagtap's statement in my presence, I took him to Dr. Ashtekar at around 4 p.m. Dr. Ashtekar asked the complainant whether he can identify the person who had demanded money for taking out normal E.C.G. The complainant said that if the concerned person is asked to appear before me here I can identify him right now. Then Dr. Ashtekar asked the complainant whether he can ask the complainant whether Mr. Naik was the same person who had demanded Rs. 50 for taking

out normal E.C.G. The complainant without any loss of time or hesitation immediately identified Mr. Naik and said that Mr. Naik was the same person who demanded Rs. 50 for taking out normal E.C.G. as mentioned above. Thereafter Mr. Ashtekar told Mr. Naik that if you have taken Rs. 20 today from Mr. Jagtap, you return the amount to him and settle the matter immediately. Dr. Ashtekar did not use any coercion or use any threatening language when he spoke to Mr. Naik to settle the matter. Mr. Naik and the complainant were waiting in Dr. Ashtekar's room for sometime. In the meantime I received some message that I have to attend to some work in my room and accordingly I left the place and was not present thereafter in Dr. Ashtekar's room."

This witness was cross-examined at length on more than one things but nothing could be elicited which may go to discredit his version. There is no reason why this witness should go out of his way to implicate the workman.

21. Dr. Ashtekar has substantially corroborated the version given by the witnesses. He has stated as follows :

"My name is Dr. A. R. Ashtekar, working in Medical Department for the last 21 years. At present, I am working as Chief Physician.

One gentleman came to me—exact date I do not recollect—at about 4—4.30 p.m. He said that he had to pay Rs. 20 to the person who has taken his E.C.G. and the rest of the amount he has to pay later on. In case he cannot pay the whole amount demanded by the person who has taken his ECG, his reports will be given wrongly. I told him that there is no system of paying any money for taking ECG or giving the reports. Please let me know who has told you to give you money. He said, he did not know name of the person who demanded money. I called the person who has taken his ECG, when he came to my room, I asked him whether he is the person who had taken money from him. He identified the person who was Mr. Naik. He was the person who had taken ECG and took Rs. 20 from him. Then I asked Mr. Naik whether he had taken any money from the said person. Mr. Naik denied demanding or taking any money. I told Mr. Naik that if you had taken any money from this fellow, you please return it immediately, otherwise it will spoil the name of the institute. After that, Mr. Naik went out, brought Rs. 20 and gave to that person in front of me."

In his cross-examination, following questions and answers have come :

"Q. 7. Is it a fact that on 4th July, 1992, you told Shri Naik to settle the matter by paying the amount to Mr. Jagtap. Else the disciplinary action will be taken against him if he does not pay the money to Shri Jagtap?

Ans. I told Mr. Naik to settle the matter by paying the money to Mr. Jagtap if he had taken money from him. Else the reputation of our institution will be spoiled if Mr. Jagtap complain to higher authorities.

Q. 8. Does it mean that you wanted to close the matter if Mr. Naik pays the amount to Mr. Jagtap?

Ans. Yes.

Q. 9. Is it not true that Shri Naik had told you he had taken ECG of Mr. Jagtap. What you have to say?

Ans. Mr. Naik had agreed that he had taken the ECG."

22. I may state that there has been no suggestion to this witness as to why he should implicate the workman. There is some inconsistency between the statement of this witness and that of Mr. Pawar but on all material particulars, his testimony supports the version given by Jagtap.

From this evidence on record, it has been established very well that on the fateful day Mr. Jagtap went to the hospital;

his E.C.G. was taken by the workman Naik, who demanded Rs. 20 from Jagtap on the pretext that his ECG was not O.K. Jagtap paid Rs. 20 to the workman Jagtap on second thoughts complained to Dr. Ashtekar who called Naik to his chamber. Jagtap confirmed that Naik was the person who had demanded Rs. 20 and had received Rs. 20 from him. Dr. Ashtekar with a view to get the matter settled asked Naik to repay the amount, which Naik admittedly repaid.

25. Now, the defence appears to be that the workman had never demanded Rs. 20 from Jagtap, had never accepted Rs. 20 from Jagtap and was compelled to return this amount due to pressure put upon him by Dr. Ashtekar. Firstly, it is not clear why Dr. Ashtekar should at all put pressure on Naik to pay Rs. 20 to Jagtap, if he had not received Rs. 20 from Jagtap. Suggestions in this behalf have been soundly denied both by Jagtap and Dr. Ashtekar.

24. Now, I may examine if the evidence adduced by workman has adequately rebutted the department's evidence. Workman K. S. Naik has, for obvious reasons denied the prosecution case. He has come out with a novel story, not put to Jagtap in his cross-examination. He states :

"After this, at about 2.15 p.m., myself and Mr. Bodas came back to ECG Department. I had taken keys from Shri Bodas and opened the door of ECG Department. I had taken the ECG machine inside the ECG room and kept it at the definite place. Shri Bodas also entered the ECG Department. First he went to wash his hands at the wash basin inside the Department. After that I was to go to wash my hands, at that moment, one patient entered the room. This patient was sitting outside the Department on the bench when we entered the ECG Department. This patient told me that he is advised to take his ECG. He handed over to me the requisition card. At this time, Mr. Bodas was sitting inside the room, ready to take his tiffin. When I saw the card, I noticed that the requisition card was marked 'routine'. It was not an urgent ECG. I told this patient that his ECG was not urgent. Moreover, being Saturday, no doctor is available to see the ECG. Hence, it is better, you come on Monday during morning hours. The patient asked me about my duty hours. Because of this question, I also got angry and I told the patient that we will not take your ECG today. Myself and the patient had no arguments. When Shri Bodas heard us, he told me that taking of one more ECG will not matter. I told Shri Bodas that I am going out to take my lunch. Shri Bodas told me, if the patient concerned is willing to wait till my lunch is over, he will take the ECG of that patient including tying the leads etc. and he asked me to enter the name of the patient in the register and then go for lunch. I made the entries in the register and on the requisition card as per the instructions of Shri Bodas. I then left the Department. When I came back to the Department, the patient was not there. As per our usual procedure, by about 3.00 to 3.15, I started cleaning the leads etc., that day being Saturday. Otherwise, on other days, we carry out this work by about 4.15 p.m. By about 4.00 p.m. Shri Bodas left the Department as he had to go early on that day. By about 4.10 p.m., I started closing the Department. I changed my uniform and was ready to leave the Department when a Peon from Dr. Ashtekar's office came to call myself and Shri Bodas at Dr. Ashtekar's office. I closed the Department, kept the keys at the Proper place and went to Dr. Ashtekar's room. When I went to Dr. Ashtekar's room, Mr. Pawar, A.O. and the patient with whom I had arguments, were in Dr. Ashtekar's room. Dr. Ashtekar asked me about Shri Bodas. I told him that Shri Bodas had left earlier. Dr. Ashtekar asked me about the ECG machine. I told Dr. Ashtekar that one machine is at ECT Department, which is computerised, second one is at Casualty and the third is at ICU. Then Dr. Ashtekar asked that patient whether I am the said person. He has indicated by nodding his head that I am the said person. Dr. Ashtekar told me that the patient has complained to him that I had taken Rs. 20 from him. Before I could explain anything, Dr. Ashtekar told me to return Rs. 20 to that

patient. At that time, Dr. Ashtekar was the senior most Sectional Head in the Hospital in the absence of Chief Medical Officer. I told him that I have not taken any money from this patient and he can ask anybody to search me and my bag also. He told me that he was not concerned with whatever has happened. He only ordered me to return Rs. 20 to the complainant. Because of his orders, I went down to the canteen on the ground floor, got Rs. 20 from Shri Jaitapkar, the Hospital Attendant, and came back to Dr. Ashtekar's room and refunded the complainant Rs. 20."

This story was not put in this form either to Dr. Ashtekar or to Jagtap.

That the workman, even though not entitled to take ECGs used to take out ECGs in proved from his own statement in cross-examination. This lends evidence to the testimony in cross-examination. This lends evidence to the testimony and is only an attempt in self exoneration.

25. Shri Bodas in his deposition has stated as follows :

"On 4-7-92 I started taking E.C.Gs of patients attended O.P.D. and after completing the outdoor patients I immediately went to take out the ECGs of the patients admitted in the wards (indoor patients). I came back to the department at about 2 p.m. When we go to the wards we always lock the department. On 4-7-92 I carried the key with me after locking the department. When myself and the Attendant, Mr. Naik entered the E.C.G. Department after coming back from the wards, one patient entered the E.C.G. room and told us that he was waiting for us since long time. I don't recollect the name of that particular patient. Shri Naik told the patient that we are going for lunch and the E.C.G. is not urgent and the E.C.G. of that patient will be taken on the next day or on any other suitable day during morning hours. I told Shri Naik to enter the patient's name in the Register as had washed my hands to take my lunch. I told Shri Naik that I will take the E.C.G. of the patient after my lunch is over. The patient agreed to this and he was waiting. After my lunch, I took out the E.C.G. of the patient and gave the E.C.G. record to him. He was the last patient of that day. After going through the Register, the name of that patient is entered in the register at Sr. No. 4583 as Mr. Ravindra. His M.A.R. No. is E/29528."

In his cross-examination, he has admitted that the relevant entry in the Register of ECG pertaining to Mr. Jagtap were made by the workman Naik. He did not make this admission straightway but had to be pressed for to give a truthful answer upon which he made this admission. If this witness would have taken ECG of Jagtap, there is no reason why Naik should have made these entries. This witness was confronted by his earlier remarks pertaining to the ECG of Jagtap wherein he had stated that he had not taken the E.C.G. At the enquiry he had the check to resile from the said statement. His deposition is then not reliable and does not rebut the prosecution evidence.

26. The evidence of N. G. Jaitapkar is of no avail in the present case. He merely says that on 4-7-92 Naik had borrowed Rs. 20 from him and he had given this amount to him. He has admitted that neither Naik told him why he needed Rs. 20 nor did he himself ask Naik why he needed the money. Usually, when somebody approaches another for loan, he would explain why loan was needed. This is not so in the case. Moreover, this witness does not claim that Naik ever repaid the loan. Hence, this story of taking Rs. 20 for Jaitapkar is hardly reliable.

27. I, therefore, in agreement with the Enquiry Officer and the Disciplinary Authority find that the charge has been proved adequately.

2. Now, comes the question of punishment. I find that workman has already been dealt with quite leniently. Hence,

I do not find any good ground to interfere with the punishment meted out to the workman.

29. As a result, the claim of the workman has no merit and is dismissed with costs.

R. S. VERMA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 1996

का.आ. 71.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोक्तों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-12-96 को प्राप्त हुआ था।

[सं. एल-33012/2/92-आई (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th December, 1996

S.O. 71.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Port Trust and their workman, which was received by the Central Government on 13-12-1996.

[No. L-33012/2/92-IR (Misc)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Wednesday, the 9th day of October, 1996

#### PRESENT :

Thiru S. Thang Raj, B.Sc, L.L.B., Industrial Tribunal.  
Industrial Dispute No. 22 of 1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Madras Port Trust, Madras)

#### BETWEEN

Shri B. Sadasivam,  
Plot No. 92, Door No. 7,  
Jayaram Nagar, Kolathur,  
Madras-600099.

#### AND

The Chairman,  
Madras Port Trust,  
Rajaji Salai,  
Madras-600001.

#### REFERENCE :

Order No. L-33012/2/92-IR (Misc), Ministry of Labour,  
dated 17-2-93, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 3rd day of September, 1996, upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru N. G. R. Prasad, for Thiruvalargal Row and Reddy, S. Vaidyanathan and K. Indira, Advocates appearing for the workmen and of Thiruvalargal A. L. Somayaji and R. Arumugam Advocates appearing for the management, and this dispute having stood over till this day for consideration, this Tribunal made the

#### AWARD

Government of India, by its Order No. L-33012/2/92-IR (Misc), Ministry of Labour dated 17-2-93, has referred this dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication of the following issue :

"Whether the management of Madras Port Trust is justified in compulsorily retiring Shri B. Sadasivam, Stores Supervisor, (Medical) with effect from 25-10-90 ? If not to what relief the workman is entitled ?"

2. After service of notices, both the petitioner and the respondent appeared before this Tribunal and filed their claim and counter statements respectively.

3. The main averments found in the claim statement are as follows :

The petitioner joined the services of Madras Port Trust on 25-10-60 as Pharmacist Grade II. When he was working as Stores Supervisor the management passed an order of compulsory retirement against him on 16-10-90. He had put in 29 years, 11 months and 29 days of service. The nature of his job was to collect medicines from Central Medical Stores and issue to various medical stores in the Port Trust. His work was mainly of clerical in nature and therefore he was a workman as defined under Section 2(s) of the I. D. Act, 1947. On 19-12-90 a charge sheet was served on him alleging that there was some shortage in the Sub-stores and the petitioner was responsible for the same. On 7-3-90 the petitioner gave his explanation. On 17-3-90 petitioner was asked to complete some pending work. On 26-3-90 he gave his explanation expressing his inability to work in the Anchor gate as well as the Madras Port Trust house sub-stores and requested them to relieve him from anchor gate. On 22-5-90 he was relieved from anchor gate and was directed to complete the work at Madras Port Trust house sub-stores. The petitioner completed all the pending work and gave a detailed explanation 6-6-90. On 30-7-90 he received a letter from the management that there were some shortages and for the said shortages a sum of Rs. 14,847 will be recovered from his salary. As no enquiry was conducted in the matter, he requested the management to conduct an enquiry and to find out the real truth. The petitioner did not receive any communication from the management and all of a sudden on 24-10-90 he received an order of compulsory retirement. Only on 25-10-90, he had to complete 30 years of service and the order of compulsory retirement is void ab initio. The said order has been passed with mala fide intention and with ulterior motive. The order was passed in order to get rid of him without any enquiry on the alleged shortage. The order of compulsory retirement is punitive in nature and when he asked for detailed enquiry, on the charge sheet issued against him on 19-12-90 the management passed the order of compulsory retirement. The petitioner had filed an appeal on 30-10-90 but the same was rejected by Chairman of Port Trust on 27-5-91 without any valid reasons. The order of compulsory retirement is punitive and totally illegal. Award may be passed for reinstatement of the petitioner with continuity of service and full back wages.

4. The main averments found in the counter filed by the respondent are as follows :

The dispute is not maintainable as the petitioner was not a workman as defined u/s. 2(s) of the I. D. Act, 1947. The petitioner was employed as a Store Supervisor and was doing mainly Supervisory work and drawing a salary of Rs. 2,000 p.m. at the time of his compulsory retirement. The petitioner was pharmacist Grade II in Madras Port Trust, and was promoted as Pharmacist Grade I and thereafter as Stores Supervisor. He completed 30 years of service on 24-10-90. Under Madras Port Trust Employees (Retirement Regulation) the committee duly consti-

tuted reviewed the case of the petitioner before the completion of 30 years service. The committee after perusing all relevant documents, like the personal file, confidential report, and other connected records decided that the petitioner be retired compulsorily from the Port Trust's service under the said regulation. Thereafter he was retired compulsorily on the recommendation of the review committee. He was retired arbitrarily and with malafide intention on the recommendations of the review committee. The petitioner as Stores Supervisor had the custody of the Stores and any shortage or excess found therein will make him responsible for the same. The petitioner had been creating embarrassment and pressurising administration either to change or revise the working hours according to convenience. On scrutiny drugs worth Rs. 14,847 were found short. It was the responsibility of the Stores Supervisor to write the day to day issues and receipt of products in the stock register. The petitioner failed to make relevant entry in the stock book and arrears had been accumulating. He was given time to complete work even after his posting in anchor gate. The petitioner wrote the left out entries in the stock book and thereafter drugs worth Rs. 14,487 were found short. However, in the mean time, the order of compulsory retirement was passed on the recommendations of the review committee. It has nothing to do with the disciplinary action initiated against the workman for shortage of medicines, and he was not discharged on disciplinary grounds. Against the orders of compulsory retirement the petitioner has given letter dated 30-10-90 and the same was rejected after explanation. The order of compulsory retirement was not punitive. His carrier in medical department throughout was unsatisfactory. There is no ground for reviewing the case of the petitioner and the reference may be rejected.

5. WW-1 was examined on the side of the petitioner and Exs. W-1 to W-19 were marked. MW-1 was examined on the side of the respondent and Exs. M-1 to M-3/series have been marked on the side of the respondent.

6. The only point for our consideration is: Whether the management of Madras Port Trust is justified in compulsorily retiring Shri B. Sadasivam, Stores Supervisor (Medical) with effect from 25th October, 1990? If not to what relief the workman is entitled?"

7. The Point.—The petitioner Sri Sadasivam was appointed as Pharmacist in the Madras Port Trust on 17-10-60 as per Ex. W-1. On completion of one year of service, the Madras Port Trust passed an order Ex. W-2 dated 26-10-61 regarding confirmation of his probation period and his intention to subscribe to the Board's Provident Fund. Shri Sadasivam was later promoted and finally was working as Stores Supervisor he had attended the meetings alongwith the Chief Medical Officer and in such meeting he expressed his views in improving condition of the medical stores administration. The proceedings of such proceedings are marked as Ex. W-3 to W-5. The Madras Port Trust initiated disciplinary action against him and called for his explanation under Ex. W-6. He gave his explanation Ext. W-7 to the port Trust. Later he was posted in the Anchor gate but where is to settle certain irregularities in the medical stores, he was ordered to give explanation under Ex. W-9 regarding the irregularity found in the Stores. He gave the explanation Ex. M-10 and requested retiring Shri Sadasivam petitioner herein w.e.f. forenoon of per Ex. W-1 he was appointed on 7-10-1960. However, he Under Ex. W-12 he was granted time till 6-6-90 to report on completion of the work. Ex. W-13 report was given to him for missing items to the value of Rs. 14,847. He gave his explanation Ex. W-14. Ex. W-15 is the order compulsorily retiring Shri Sadasivam petitioner herein w.e.f. forenoon of 25-10-90. Again the said order he preferred an appeal to the Chairman, Madras Port Trust under Ex. W-16. However, the Madras Port Trust thought fit to retire him compulsorily on the completion of 30 years of service. Therefore, the other contentions of the petitioner that no disciplinary proceedings was initiated against him are not matters to be seriously considered herein.

8. Ex. W-15 order passed by the competent authority compulsorily retiring him from service w.e.f. forenoon of 25-10-90 is challenged by the workman in this industrial dispute. As per Ex. W-1 he was appointed on 17-10-60. However, he joined duty on 25-10-60. Accordingly on 24-10-90 afternoon he had completed 30 years of service. The petitioner has drawn my attention to a ruling of our Supreme Court in *Sri Hansraj Vs. State of Punjab* (1995 1 LLJ P. 85). In the said ruling, the workman was compulsorily retired from service that he had completed 25 years of service by taking into consideration of the period he was employer the erstwhile Patiala and East Punjab State Union. Reckoning the period of qualifying service i.e. 25 years by adding the service he had put in pepsu was taken into consideration and our Supreme Court held that it was not a proper reckoning of the period of qualifying service. In the instant case, it is clear from Ex. W-1 that the petitioner was appointed on 17-10-60 but as per his claim statement he joined duty on 25-10-60. So, on 29-10-90 afternoon he has completed 30 years of service. Order Ex. W-5 has been passed by the Chairman on 16-10-90 whereas the order of compulsory retirement came into effect on the forenoon of 25-10-90. In these circumstances, it is clear that the petitioner has completed 30 years of service in the Madras Port Trust. Hence in reckoning the period of his service, the management has not adopted any wrong calculation. On the date of compulsory retirement he has completed 30 years of service as per Clause 5 of the Madras Port Trust Employees (Retirement Regulation) marked as Ex. M-17.

9. The main contention of the respondent was that the petitioner was not a workman within the meaning of Section 2(s) of the I. D. Act, 1947 for two reasons that as Stores Supervisor he was in supervisory capacity and that he was drawing a salary of Rs. 2,000 per month which is higher than the limit prescribed under Section 2(s) of the I. D. Act, 1947.

2(s)(iii) reads "who is employed mainly in a managerial or administrative capacity or

2(s)(iv) reads : who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

The petitioner has submitted two rulings of our Supreme Court to show that he was only a workman within the meaning of Section 2(s) of the I. D. Act, 1947.

In *S. K. Verma Vs. Mahesh Chandra* (1983 4 SCC P 214) at page 223, our Apex Court held ;

"His principal duty appears to be to organise and develop the business of the Corporation in the area allotted to him and for that purpose to recruit active and reliable agents, to train them to canvass new business and to render post-sales services to policy holders. He is expected to assist and inspire the agents. Even so he has not the authority to appoint agents or to take disciplinary action against them. He does not even supervise the work of the agents though he is required to train them and assist them. He is to be the friend philosopher and guide of the agents working within his jurisdiction and no more. He is expected to stimulate and excite the agents to work, while exercising no administrative control over them. The agents are not his subordinates. In fact, it is admitted that he has no subordinate staff working under him. It is thus clear that the development officer cannot by any stretch of imagination be said to be engaged in any administrative or managerial work. He is a workman within the meaning of Section 2(s) of the Industrial Disputes Act."

In *Arkal Govind Raj Rao Vs. CIBA GEIGY of India Ltd., Bombay* (1985 3 SCC P 371) at pages 377 and 378, Apex Court held ;

"The test that one must employ in such a case is what was the primary, basic or dominant nature of duties for which the person whose status is under enquiry

was employed. A few extra duties would hardly be relevant to determine his status. The words like managerial or supervisory have to be understood in their proper connotation and their mere use should not detract from the truth."

In S. K. Verma's case, he was a development officer in the LIC of India and the Supreme Court of India after verifying the scale of pay and other connected particulars has come to the conclusion that the name development officer was nothing but a glorified designation. Development Officers were separated from 'Officers' strictly so called and are generally placed on par with subordinate clerical staff. In these circumstances, the Supreme Court held that irrespective of the name, the duty of development officer was only clerical staff and not an officer in the real sense. In Arkal Govinda Raj Rao's case, the Supreme Court going through many decisions held: the real test is to see what was the primary, basic or dominant nature of duty for which the person whose status is under enquiry was employed. The words like managerial, supervisory, have to be understood in their proper connotation and their mere use should not detract from the truth. The petitioner herein though designated as Stores Supervisor there was no evidence that any other workmen were employed under him or that he had an authority to sanction them the leave and other benefits. Though the designation was Stores Supervisor by connotation in fact he was nothing but a glorified clerk.

10. The management has stated that as per Section 2(s) (iv) of the I. D. Act, 1947 he was not a workman as he was drawing a monthly salary of more than Rs. 2,000 per month at the time of his compulsory retirement. In fact in para 3 of the counter, the main contention of the management was that he was in supervisory capacity and his designation was Stores Supervisor and that he was drawing a monthly salary of more than Rs. 2,000 at the time of his compulsory retirement. The workmen is not negated this contention. The workman who has put in 30 years of service naturally would draw a salary of more than Rs. 1,600. Even though the management has requested in the counter to try this issue as preliminary issue, the workman has not moved his little finger to show that he was a workman within the meaning of Section 2(s) (iv) of the I. D. Act, 1947. In these circumstances, it is clear that workman was drawing monthly salary of Rs. 2,000 at the time of his compulsory retirement. In such a case, though he was not a workman under Section 2(s) (iii) but a workman u/s. 2(s) (iv) of the I. D. Act, 1947. This ground has to be decided against the workman. Though it is decided that he is not a workman, the further grounds raised by him have to be decided in fairness.

11. The petitioner has cited two decisions of our Supreme Court and argued that the order of compulsory retirement was punitive in nature and therefore the same cannot be sustained. In Anoop Jaswal Vs. Government of India (1984 2 SCC P. 369) at page 379, Apex Court held :

"It is therefore, now well settled where the form of the order is merely a camouflage for an order of dismissal for misconduct it is always open to the Court before which the order is challenged to go behind the form and ascertain the true character of the order. If the Court holds that the order though in the form is merely a determination of employment is in reality a cloak for an order of punishment, the court would not be debarred, merely because of the form of the order, in giving effect to the rights conferred by law upon the employee."

From the decision of the Apex Court, it is clear that the Court before which the order is challenged can go behind the form and ascertain true character of the order. In the instant case, the petitioner has stated that since he was expressing his views in the meeting the higher authorities did not like him and they imposed a penalty of Rs. 14,847 to be recovered from his salary but whereas for one P. Babu, Pharmacist Grade I who also faced the same charge was let off with a minor punishment. In Ramekbal Sharma Vs. State of Bihar and Another (1990 3 SCC P. 504) at page 516, the Apex Court held :

"On a consideration of the above decisions the legal position that now emerges is that even though the order of compulsory retirement is couched in innocuous language without making any imputations against the Government servant who is directed to be compulsorily retired from service, the Court,

if challenged, in appropriate cases can lift the veil to find out whether the order is based on any misconduct of the Government servant concerned or the order has been made bona fide and not with any oblique or extraneous purposes. Mere form of the order in such cases cannot deter the Court from delving into the basis of the order if the order in question is challenged by the concerned government servant, as has been held by this Court in Anoop Jaiswal case."

This decision of the Apex Court further confirms the view taken in Anoop Jaiswal's case (1984 2 SCC P. 369). The view expressed by the Apex Court is clear that the order should not be punitive in nature. Ex. M-1 is the Madras Port Trust Employees (Retirement Regulations) and Clause 5(ii)(1) of the said regulation empowers the Madras Port Trust to retire any person if he is governed by Madras Port Trust Pension regulations on completion of 30 years of qualifying service 9(ii). In respect of Clause 3 employees who is not governed by Madras Port Trust Pension Regulations can be also compulsorily retired on completion of 30 years of service. Prior to the completion of 30 years by the petitioner herein, the Standing Committee consisting of 3 Officials (i) Chief Medical Officer (ii) Chief Surgeon and (iii) Deputy Traffic Manager were constituted the Standing Committee to review as to whether the petitioner has to be retained or to be retired. Committee members expressed uniform opinion saying, "It is certified that during review of the above employee, it has been verified that his work and conduct have been found to be not satisfactory and he may be retired in the interest of the Madras Port Trust Board." On the certificate issued by the Committee, the Chairman, Madras Port Trust passed an order Ex. W-5 alongwith Ex. M-2 certificate, the past conduct of the petitioner is attached. The three members of the Standing Committee have gone through past record and they opined :

"From the above it is proved his lack of understanding, unresponsiveness to the demand of the situation. The Committee has come to the conclusion that the services of Shri B. Sadasivam, Stores Supervisor, Medical Department, Madras Port Trust, are not satisfactory and he may be compulsorily retired from the Trust's service in the Board's interest."

In D. Ramasamy Vs. State of Tamilnadu (1982 1 LLJ P. 349) at page 352 Apex Court held :

"We do not say that the previous history of a Government servant should be completely ignored, once he is promoted. Sometimes, past events may help to assess the present conduct. But when there is nothing in the present conduct casting any doubt on the wisdom of the promotion, we see no justification for needless digging into the past."

It is clear from the decision of our Supreme Court that the previous history of the Government servant may be taken into consideration in proper perspective. In R. D. Arora Vs. Central Board of Direct Taxes (1989 Sup (2) SCC 981) one Shri B. D. Arora was compulsorily retired for the reason that his rating for 1980-81 was average and similar was the position for the year 1982-83 and the committee found that he has lost his effectiveness as well as utility to the Government and therefore, decided to retire him compulsorily. By seeing the order, Apex Court held :

"We are surprised that this should be the conclusion from the material catalogued in the order. The very assessment shows that the officer is effective if posted in rural areas. This follows that he has not lost his effectiveness. There would be several officers with such record, who are not being retired and we do not find any impropriety as to why the appellant should have been picked up."

In H. C. Gargi Vs. State of Haryana (1989 4 SCC P. 158) Apex Court held :

"The appellant alleged that he had incurred the displeasure of the Commissioner for certain reasons. While his representation against the adverse entries made by the Commissioner was pending consideration, the Government passed the impugned order of compulsory retrenchment and thereafter rejected



representation. The power of compulsory retirement under Rule 3.25 (d) of the Rules can be exercised subject to the conditions mentioned in the rule, one of which is that the concerned authority must be of the opinion that it is in public interest to do so. The test in such cases is public interest as laid down by this Court in *Union of India Vs. Co. J. N. Sinha* (1970 2 SCC P. 458). It does not appear that there was any material on the basis of which the State Government could have formed the opinion that it was in public interest to compulsorily retire the appellant at the age of 57 years. There was really no justification for his compulsory retirement in public interest."

From this decision of our Supreme Court it is clear that there must be some justifiable reason for compulsorily retiring an employee. Ex. M-2 shows that the behaviour of the petitioner to the higher officers and his fellow employees was not upto the mark throughout. Apart from this there was no other serious charge or disciplinary enquiry against the employee. Misconducts alleged against the petitioner were not serious in nature. Though as a servant of the Madras Port Trust, he ought to have maintained cordial relationship with his fellow employees and official discipline and decorum in addressing the higher officials, his conduct will not amount to any serious misconduct. It is clear that because of his behaviour the committee thought fit to retire him compulsorily and not for any serious misconducts. Considering the views expressed by the Apex Court in the above decisions, the order passed compulsorily retiring the petitioner is not in consonance with the alleged acts committed by him. Therefore, it can be said that the order of compulsory retirement is punitive in nature and the same cannot be supported.

12. From the above discussion it is clear that the petitioner has raised two major questions in the industrial dispute (i) that the order was passed before completion of 30 years of service and (ii) that it was punitive in nature. The first ground that order has been passed prior to the completion of 30 years of service will not attract our consideration and the same is decided against the petitioner. However, the second ground that the order of compulsory retirement is punitive in nature has been made out. However, the main hardship the petitioner faces herein is that since he was drawing a salary of more than Rs. 1,600 prescribed under Section 2(s)(iv), I. D. Act, 1947 he cannot be called as a workman within the meaning of the Act. The Act is a social legislation to save the working class and to promote industrial peace. A non-workman should not be allowed to take advantage of the Act under the disguise of a workman. If such persons are allowed to take advantage of the I. D. Act, the very purpose that it is meant for the working class will be beaten and it may lead to unwanted results. Though the order of compulsory retirement is punitive in nature, this Tribunal is unable to grant any relief to the petitioner who is not a workman within the meaning of Section 2(s)(iv) of I. D. Act, 1947. It is for this reason, the industrial dispute has to be dismissed.

In the result, award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 9th day of October, 1996.

S. THANGARAJ, Industrial Tribunal

#### WITNESSES EXAMINED

For Workmen :

WW-1.—Thiru B. Sadasivam.

For Management :

MW-1.—Thiru P. Pughavan.

#### DOCUMENTS MARKED

For Workmen :

Ex. W-1/17-10-60—Appointment order issued to Petitioner-workman Thiru B. Sadasivam (Xerox copy).

Ex. W-2/26-10-61—Confirmation order issued to Petitioner-workman (Xerox copy).

Ex. W-3/11-1-84—Notes of discussion held in Chief Medical Officer's room. (Xerox copy).

Ex. W-4/24-2-84 -do-

Ex. W-5/6-5-83 -do-

Ex. W-6/19-2-90—Charge memo issued to petitioner-workman (Xerox copy).

Ex. W-7/7-2-90—Explanation by the Petitioner-workman to Ex. W-6 (Xerox copy).

Ex. W-8/16-3-90—Reply by the Management to the petitioner-workman's letter dated 31-1-90 enclosing the extract of the Medical Manual Part I indicating the list of duties (Xerox copy).

Ex. W-9/17-3-90—Memo issued to Petitioner-workman to complete the pending work in Sub-Store at Anchor gate (Xerox copy).

Ex. W-10/26-3-90—Reply by petitioner-workman to Ex. W-9 (Xerox copy).

Ex. W-11/16-5-90—Relieving order issued to Petitioner-workman (Xerox copy).

Ex. W-12/31-5-90—Memo issued to petitioner-workman to complete the work (Xerox copy).

Ex. W-13/30-7-90—Second show cause notice issued to petitioner-workman (Xerox copy).

Ex. W-14/22-8-90—Reply by petitioner-workman to Ex. W-13 (Xerox copy).

Ex. W-15/16-10-90—Order of Chairman Madras Port Trust, compulsorily retiring petitioner-workman w.e.f. 25-10-90 forenoon (Xerox copy).

Ex. W-16/30-10-90—Reply letter from Petitioner-workman to Ex. W-15 (Xerox copy).

Ex. W-17/30-11-94—Order of Madras High Court in W.P. No. 19739/94 (Xerox copy).

Ex. W-18/20-1-94—Letter from petitioner-workman to the Management requesting to settle terminal benefits (Xerox copy).

Ex. W-19/4-3-94—Reply by the Management to Ex. W-18 (Xerox copy).

For Management :

Ex. M-1/—Extract of Madras Port Trust Employees' (Retirement) Regulations (Xerox copy).

Ex. M-2/19-9-90—Report of the Review Committee (Xerox copy).

Ex. M-3/series —Documents relating to disciplinary action against Thiru P. Babu, Pharmacist Grade I, Medical Department (Xerox copy).

नई दिल्ली, 13 दिसम्बर, 1996

का.आ. 72—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार स्टेटेड सर्वेयर्स (प्रा.) लिमिटेड के प्रबंधकों के संबंध में निदेशों और उनके कर्मचारियों के बीच अन्तर्ग्रह में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-12-96 को प्राप्त हुआ था।

[सं. एल-31011/1/92-आई आर (विधि)]

वी. एम. डेबिर, हेड ऑफ अधिकारी



New Delhi, the 13th December 1996

S.O. 72—, In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s Standard Surveors (P) Ltd., and their workman, which was received by the Central Government on the 13/12/96.

[No. L-31011/1/92-IR(misc)]

B. M. DAVID, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

SHRI S. B. PANSE

PRESIDING OFFICER

REFERENCE NO. CGIT-2/42 of 1996.

EMPLOYERS IN RELATION TO MANAGEMENT OF  
M/s STANDARD SURVEORS (P) LTD.

AND

THEIR WORKMEN

APPEARANCES :

For the management : Shri Kiran S. Bapat  
Advocate.

For the workmen : Shri J.H. Sawant  
Representative.

Mumbai, dated 26th November, 1996.

AWARD

The Government of India, Ministry of Labour by its order No. L-31011/1/92-IR(Misc) dated 15/6/1993, had referred to the following Industrial Dispute for adjudication.

2. On 6/2/96 the Tribunal came to the conclusion that the action of the management is not just, legal and proper. It was an ex-parte award. The management thereafter filed an application for setting aside the ex-parte award. On 23/9/96, the Tribunal came to the conclusion that filing of such an application is tenable.

3. Today the parties filed a consent terms (Exhibit-17) and submitted that the reference may be answered in terms of the consent terms. Mr. K.S. Bapat the Learned advocate for the management and Jaiprakash Sawant the Learned Representative of the workmen have signed the terms which they admitted. Under such circumstances I pass the following order :

ORDER

The reference is answered in terms of the consent terms Exh. 17.

(a) That the company will pay a sum of Rs. 15,000/- (Rupees Fifteen thousand only) in each of the four workers towards full and final settlement of their all the claims including reinstatement, continuity of service, full back wages and

all the other claims.

(b) That said amount of Rs. 15,000/- shall be paid in five monthly equal installments to each of the workers.

(c) That first of such installment shall be paid on the date on which this application is signed.

(d) The payment of Rs. 15,000/- is made by postdated cheques as per details below:-

Ref. No. CGIT-2/42 of 1996.

(Old Ref. No. CGIT-2/54 of 1993)

## 1. For Shri A. M. Jagtap

Cheque No.	Date	Amount	Drawn on
318881	26/11/96	3,000.00	Bharat Overseas Bank Limited, Fort Branch, Mumbai.
318882	26/12/96	3,000.00	
318883	26/01/97	3,000.00	
318884	26/02/97	3,000.00	
318885	26/3/97	3,000.00	

## 2. For Shri B. J. Menezes

Cheque No.	Date	Amount	Drawn on
318886	26/11/96	3,000.00	Bharat Overseas Bank Limited, Fort Branch, Mumbai.
318887	26/12/96	3,000.00	
318888	26/01/97	3,000.00	
318889	25/1/97	3,000.00	
318890	26/03/97	3,000.00	

## 3. For Shri Mukharam Prajapati

Cheque No.	Date	Amount	Drawn on
318891	26/11/96	3,000.00	Bharat Overseas Bank Limited Fort Branch Mumbai.
318892	26/12/96	3,000.00	
318893	26/01/97	3,000.00	
318894	26/02/97	3,000.00	
318895	26/03/97	3,000.00	

## 4. For Shri Ashok Chaudhari

Cheque No.	Date	Amount	Drawn on
318896	26/11/96	3,000.00	Bharat Overseas Bank Limited Fort Branch, Mumbai
318897	26/12/96	3,000.00	
318898	26/01/97	3,000.00	
318899	26/02/97	3,000.00	
318900	26/03/97	3,000.00	

(e) That the workmen declare that they have no claim of any sort arising out of any proceedings against the company except the amount mentioned thereof.

S.B. PANSE, Presiding Officer

26-11-96

नई दिल्ली, 20 दिसम्बर, 1996

का.आ. 73.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एयर इंडिया के प्रबंधन के संयुक्त निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई-II के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-96 को प्राप्त हुआ था।

[सं. एन-11012/23/91-प्रार्थितार(विविध)(सी-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 20th December, 1996

S.O. 73.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai-II, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Air India and their workman, which was received by the Central Government on 19-12-96.

[No. L-11012/23/91-IR(Misc.)(C-I)]

BRAJ MOHAN, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT,  
INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/26 of 1992

Employers in relation to the Management of  
Air India

AND

Their Workmen

APPEARANCES :

For the Employers—M/s. Bhasin and Co.,  
Advocates.

For the Workmen—Mr. K. A. Rane, Advocate.

Mumbai, dated the 3rd December, 1996

### AWARD—PART-II

On 21-3-96 by Part-I Award I came to the conclusion that the domestic inquiry which was

held against the workman was against the Principles of Natural Justice. Thereafter the management lead evidence in the matter to justify its action. Now by this award I have to decide the remaining issues. To appreciate the case better I intend to give the facts in nutshell. On 22-7-88 at about 7:05 hours M. G. Parab was the security guard on duty at the taxi gate (Gate-No. 5). Gaonkar the workman was approaching to the gate in order to leave the premises of the company. The guard suspected him to be carrying some unauthorised article and accosted him. On seeing him the worker turned back and started running. The guard followed him and caught him near trolley parking area at R.O.S. Building. Thereafter he called for help and the security manager Dhoomal came on the spot. Then they took the workman to the office where the Panchanama was drawn in the presence of Khumbare and Shinde. The worker confessed the guilt that he pilfered the camera. Later on a charge-sheet was given to him stating that he committed the theft of the property entrusted to the corporation. The workman denied the charges but the inquiry committee found him guilty of the same and ultimately he was removed from the service by the corporation.

2. The issues that fall for my consideration and my findings there on are as follows :

#### ISSUES

#### FINDINGS

2. Whether the termination of service of Mr. B. M. Gaonkar, Leader is legal and justified ?

Yes.

2. If not, to what relief the workman is entitled to ?

Does not survive.

#### REASONS

3. To bolster up the case the management examined Mahesh Govind Parab (Exhibit-10) Senior Security Guard, Vasant Khumbare (Ex. 19) Chief Traffic Assistant, Anil Ramchandra Shinde (Ex. 20) Deputy Manager Ramp, Ramchandra Mahadho Dhumal (Ex.-22), Senior Manager Security. It also relied upon the documents which it filed alongwith Exhibit-15 and 17. The worker got himself examined at Exhibit-6, before Part-I award but he did not produce himself for further cross-examination at the time when the management was allowed to lead evidence. He relied upon the documents which are filed at Exhibit-4'.

4. Mr. Kulkarni, the Learned Advocate for the management argued that as the worker did not submit himself for further cross-examination, it has to be presumed that what is stated by the management is true. It is further submitted that in other words the worker did not challenge the

same. After the examination of witnesses on behalf of the management the Learned Advocate for the workman filed purshis (Exhibit-23) dated 20-11-96 contending that they did not wish to lead any oral evidence. When he first cross-examined by Mr. Swami, the Learned Advocate for the management it was restricted only for the fairness of the inquiry. In other words the worker should have come before the court for further cross-examination in respect of other issues. In other words he has not lead any evidence before the Tribunal so far as the charges levelled against him, so far as the legality and justifiability of his removal. There is no statement by him so far as the confessional statement made by him dated 22-7-88 admitting the guilty viz. that he had removed the camera from the baggage of the passengers of Sabina Flight. That itself goes to show that the charges which were levelled against the workman are proved.

5. For the sake of argument if it is said that the above stated reasons are not sufficient for coming to the conclusion that the charges are proved it is to be seen from the evidence which is lead by the management whether they are proved or not. Mahesh Parab (Ex.-16) is the star witness. On 22nd July, 1988 he was allotted the duty at taxi gate (gate No. 5). He affirmed that at about 07:05 hours he saw a person coming from Ramp operation division towards the gate. The person saw him and turned back and started running. Parab followed him and apprehended near ROS building, where the tractors/trolleys are normally parked. He affirmed that when he caught hold of the person he told him that if he would not leave him, there will be enmity created among them. He did not allow him to go. The struggle was going on for about ten minutes. In that struggle the person managed to drop the camera from underneath trouser. At the very time Dhumal the security officer on duty came to the spot. He was called by Parab by sending the persons nearby.

6. Parab and Dhumal affirmed that when they took the person and the camera to the security office, baggage M/UP area. At that time it was revealed that the person is Gaonkar on the basis of his identity card. Both of them affirmed that they were not knowing the workman prior to the incident. It is tried to suggest that Gawankar, the worker is falsely involved in this matter due to enmity. This is a stray suggestion. There is no supporting evidence for the same. In other words the allegation is made so far as the enmity is concerned, but here is no evidence to substantiate the same. It is common knowledge when a person is chargesheeted he always takes the defence that he

is charged due to the enmity. In this case I do not find merit in it.

7. Parab and Dhumal corroborates each other and affirmed that at the place where the worker was apprehended he admitted that he removed the said camera when he was handling Savana flight departure from the Sabina flight baggage. There is no evidence to show that why these two witnesses should depose falsely against the worker. There are no reasons for implicating Gaonkar in the present case by Parab and Dhumal. Under such circumstances there is no reason to disbelieve the testimony of these two witnesses.

8. Parab and Dhumal corroborates each other on the point that after taking the worker to the security office as a usual procedure two Panchas were called. They were Khumbare (Exhibit-19) and Anil R. Shinde (Ex-20) under whom the worker was working at the relevant time. These four witnesses corroborates each other on the point that the worker confessed in their presence that he removed the said camera while he was handling Savana flight departure from Sabina flight baggage. They affirmed that his confession was voluntary and with free will. Nobody used pressure nor threatened him to give such a confession.

9. The worker had not come before the court to assert that he confessed it due to coercion (I am making this statement because as he did not submit himself for cross-examination his evidence which is at Exhibit-6 has to be treated as no evidence). Exhibit-4|2 is a letter addressed by Deputy Director, ground service-Bombay to the worker dated 16-8-88 (Exhibit-4|2). By the said letter he was informed that a departmental inquiry has to be initiated against him and he was asked to give his explanation in respect of the findings of the preliminary inquiry as stated in that letter. The worker replied the letter on 31-8-88 (Exhibit-4|1). By that letter he had given up the story that when he was coming to his work the camera was laying near the trolley. Parab, the watchman asked him to take the camera which he declined and thereafter he was taken to the security office and under compulsion he had written down whatever stated by the guard. This type of explanation is coming forward for the first time. If really it would have been under coercion or under a threat the workman would have approached his union or the higher authorities and the management. But he did not do so. That itself goes to show that the explanation which is given by him is an after-thought. I therefore find that the confession of the worker as deposed by the management witnesses has to be accepted to be true and without any coercion. That leads to show that the charge against the workman is proved.

10. Vasant Khumbare and Shinde are the Pancha's. From the Panchanama which was prepared on 22-7-88 (Ex-N|12). The panchanama was not prepared on the spot viz. Where Parab apprehended the worker Gaonkar. It was prepared in the office of the security guard. As per the version of Khumbhare the camera was in the hands of the worker. But as per the version of Shinde it was lying on the table. In fact so far as this Panchanama is concerned it has little relevancy because it was not drawn on the spot but later on drawn in the office, but the testimony of these two witnesses is relevant on the point of the confession of Gaonkar. Both of them affirmed that without any coercion or undue influence Gaonkar admitted the guilt namely taking of the camera from the baggage of the passenger.

11. It is tried to argue on behalf of the worker that the management failed to prove the ownership or legal custody of the camera, that there was no complaint in respect of that the camera was stolen of a particular passenger and that it was a stolen property. Infact this argument appears to be based on the basis that the evidence Act is applicable to the proceedings before the Tribunal. It is well settled that evidence Act has no application to the proceedings before the Tribunal and the proof required in these cases is quiet different that in the criminal proceedings. Here what is to be seen is on preponderance of probabilities and there is no need to prove a particular fact beyond doubt. Here from the evidence of Parab and Dhumal it is very clear that when Gaonkar was apprehended he was found in possession of the camera. Gaonkar is a loader. It is unbelievable that he had taken the camera there. It is not the case that it was owned by him. From the explanation which he tried to give is that it was lying on the ground which I have already rejected. It is common knowledge that the passengers carry cameras. When a baggage is handed over to the company it is in its legal custody. If that is so it has to be said that the corporation was in legal custody of the camera. So far as any report or complaint in respect of stolen camera is concerned it is not necessary to establish that. It is not necessary for that particular x, y or z has to come before the inquiry officer or before this Tribunal to depose that the particular camera was belonging to him and it was stolen. The fact that it was found in the premises of the Corporation where the trolleys were kept. There was no possibility of the camera being taken there. That itself goes to show that it was taken from somebody's baggage. As the workman was found in possession of the same it has to be said that he had stolen the same. But the worker cannot get any benefit of the fact that there is no report of he stolen camera.

12. The Learned Advocate for the workman also argued that there is no direct evidence on the point that the worker has stolen the camera. But the circumstance which I have discussed above clearly

suggests that he did the mischief. There is no need to have eye witness in the matter.

13. Dhumal when deposed before the Tribunal was not in a position to identity the workman. The incident is of the year 1988. After about five to six years he was to identity the person. According to him the physical condition of the worker had totally changed. Leaving aside that it has nothing to do for proving the charge. Because so far as the case of the worker is concerned the camera was lying on the ground and thereafter she was taken by Parab and Dhumal to the security office along with the camera. Therefore Dhumal's non identifying the worker does not effect the merits of the case. For all these reasons it has to be said that the management proved the charge which was levelled against the workman.

14. That takes me to the point of punishment. The worker is charged of a theft. The misconduct is of a more grave and serious nature. For that purpose the extreme punishment of dismissal was required to be passed against the workman. But the management appears to have taken the lineant view and passed the punishment of removal. It was their choice. Looking to the gravity of the offence I do not find any justification for awarding any other punishment than the already passed by the Ministry. I do not find any reason for inquiry in the same. In the result I record my findings on the points accordingly and pass the following order :

### ORDER

The termination of the service of Mr. B. M. Gaonkar, Loader St. No. 7663, ROD| NIPC by the management of Air India is legal and justified.

S. B. PANSE, Presiding Officer

3-12-96

नई दिल्ली, 21 नवम्बर, 1996

का.आ. 74.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कमकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई नं. 1 के पंचयट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-96 को प्राप्त हुआ था।

[संख्या एन-22012/334/90-आई.आर. (सी-II)]

राजा लाल, जेस्क अधिकारी

New Delhi, the 21st November, 1996

S.O. 74.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai No. 1 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W. C. Ltd., and their workman, which was received by the Central Government on 19-11-1996.

[No. L-22012/334/90-IR(C-II)]  
RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 1,  
MUMBAI

#### PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-1/93 of 1990

#### PARTIES :

Employers in relation to the management of  
M/s. W.C. Ltd., (Hindustan Lalpeth  
Sub Area).

AND

Their Workmen.

#### APPEARANCES :

For the Management : Shri G. S. Kapur, Advocate.

For the Workman : Workman present in person.

State : Maharashtra.

Comp : Nagpur.

Nagpur, dated the 22nd day of October, 1996.

#### AWARD

Shri Upalayya Ramayya workman in person.

Shri G. S. Kapoor Advocate for management along with Shri S. Mohto, Deputy Personnel Manager for Hindustan Lalpeth Sub Area.

Both the parties have jointly filed a settlement. Shri Uppallayya Ramayya is identified by Shri S. Mahto. I have gone through the terms of settlement. Both the parties have verified the con-

tents of the settlement. I find that the settlement is just, reasonable and fair. By virtue of the settlement, the workman will be taken back in employment as loader subject to medical fitness, on reporting on duty within one month. For the intervening period i.e. from date of termination till rejoining the duty, he shall not be entitled to any wages but this period shall be treated in continuity of service for purposes of grant of gratuity. The terms of the settlement shall be treated as part of the award which settles the dispute finally.

However, if the workman is not found medically fit, in that event the workman shall be entitled to make an application to the Tribunal to ignore this settlement, restore the dispute and adjudicate the same on merits.

Let an award be passed as above. The settlement be incorporated in the award passed.

R. S. VERMA, Presiding Officer

BEFORE THE PRESIDING OFFICER CENTRAL  
GOVT. INDUSTRIAL TRIBUNAL, NO. 1  
BOMBAY

Ref : No. CGIT-1/93 of 1990

BETWEEN

The employers in relation to the Management of  
M/s. W.C. Ltd. (Hindustan Lalpeth Sub  
Area)

AND

Their Workman

Joint Compromise petition by the Parties

The parties named above most respectfully submit that the Govt. of India Ministry of Labour vide order No. L-22012(334)/90-IR(C-II) dtd. 16-11-1990 with the following Schedule :—

“Whether the termination of Shri Uppallayya Ramayya, Ex-Loader w.e.f. 25-12-1989 by the Supdt. of Mines, Hindustan Lalpeth Colliery Mine No. 3 of W.C. Ltd. P.O. Lalpeth, Dist. Chandrapur (M.S.) is legal and justified ? If not, to what relief the concerned workman is entitled to ?”

That while the matter still pending before the Hon'ble Tribunal the parties have negotiated and settled the dispute amicably:

That in terms of the agreement the parties are filing copies of the same before the Hon'ble Tribunal (Annexed)

#### PRAYER:—

Both the parties, therefore, respectfully pray that the Hon'ble Tribunal may be gracious enough to accept the agreement and pass an Award in terms thereof.

WORKMAN:

LTI of Shri Upallaya Ramayya

WITNESSES:

For the Management:

1. (S. Mahto)
2. N. K. Seth.

For Workman:

1. (C. J. Khalawan)
2. (S. K. Khatri)

S. B. SAHAY, Sub Area Manager  
Hindustan Lalpeth Sub Area  
For and on behalf of the Employers.

BEFORE THE PRESIDING OFFICER CENTRAL  
GOVT. INDUSTRIAL TRIBUNAL, NO. 1  
BOMBAY

Reference No. CGIT-1/95 of 1990

PARTIES :

Employers in relation to the Management of  
M/s. WC Ltd. (Hindustan Lalpeth Sub  
Area).

AND

Their Workman

#### MEMORANDUM OF SETTLEMENT

The parties named above most respectfully beg to  
submit as under:—

1. That the Govt. of India Ministry of Labour has referred the above matter to the Hon'ble Tribunal for adjudication vide its order No. L-22012(334)/90-IR (C-II) dtd. 16-11-1990 with the following schedule:—

“Whether the termination of Shri Uppallaya Ramayya Ex-Loader w.e.f. 25-12-1989 by the Supdt. of Mines, Hindustan Lalpeth Colliery Mine No. 3 of WC Ltd P.O. Lalpeth Dist, Chandrapur (M.S.) is that and justified? If not, to what relief the concerned workman is entitled to ?”

2. That the parties have already filed their respective statement of claim written statement rejoinder said documents etc. before the Hon'ble Tribunal and now the matter is at evidence stage :
3. That while the matter is pending before the Hon'ble Tribunal the workman Shri Uppallaya Ramayya has approached to Management|employers for re-consideration of this case purely on humanitarian and compassionated ground as he has already suffered a lot by remaining out of employment for nearly Six and half year leading his family to accute economic distress;

4. That he is repentant for his acts of misconduct on which account his service had been terminated and renders unconditional apology with assurance for a good conduct in future;

5. That having regard to the above circumstances and also in the interest of amicable industrial relationship and good-will the parties have agreed to resolve the above dispute mutually on the following terms and conditions:—

LTI of Shri Upallaya Ramayya

#### TERMS OF THE AGREEMENT

- (a) That Shri Uppallaya Ramayya will report to the Sub Area Manager ,Hindustan Lalpeth Sub Area within one month of acceptance of this agreement by the Hon'ble Tribunal No. 1, Bombay.
- (b) That within one week of his so reporting to the Sub Area Manager Shri Uppallaya will be taken back in employment as Loader and posted at any underground mine of Lalpeth Sub Area subject to medical fitness.
- (c) That for the period of his remaining out of employment due to termination of service on proved misconduct i.e. from 25-12-1989 to the date of his joining in terms of this agreement, he will not be entitled to receive any monetary benefit including wages and allowance etc. on the principle of “No work No pay”. This agreement settle the dispute as full and final and the workman will not make any further claim with regard to the instant dispute.
- (d) That, however for the limited purpose of gratuity he will be granted continuity of service from 25-12-89 to the date of his resumption of his duty under this agreement.
- (E) That the parties consider this agreement just fair and equally beneficial to both. This has been signed voluntarily with mutual understanding and without any coercion and pressure on either side;
- (F) That the parties will file a copy of this agreement before the Hon'ble Tribunal No. 1 Bombay with a joint petition prayer for acceptance of this agreement and passing a consent Award in terms thereof.

WORKMAN:

LTI of Shri Upallaya Ramayya

WITNESSES :

For the Employer:—

1. (S. Mahto)
2. N. K. Seth

For the Workman

1. C. J. Khadar) [Shri (S. K. Khatri)

For and on behalf of the Employer.

S. B. SAHAY,

1. Sub Area Manager

HLLalpath Sub Area

Personnel Manager, W.C.L. Chandrapur.

नई दिल्ली, 23 दिसम्बर, 1996

का.आ. 75.—औद्योगिक विवाद अधिनियम, 1947 (1947) का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबंध तिथियों और उनके कार्यकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/12/96 को प्राप्त हुआ ।

[संख्या : एल-12012/309/90/आई.आर.(बी. II)]

सनातन, डेस्क अधिकारी

New Delhi, the 23rd December, 1996

S.O. 75.—In pursuance of Section II of the Industrial Disputes Act. 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 12-12-96.

[No. L-12012/309/90-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 4/91

In the matter of dispute :

BETWEEN

Smt. Sudesh Sharma, Part-time Clerk through the General Secretary. Mahabank Karamchari Sangh, 898, Nai Sarak, Chandni Chowk, Delhi-6.

Versus

The Management of Bank of Maharashtra  
C/o The Asstt. General Manager, North

Zone, 6/30-31, W.E.A. Karol Bagh,  
New Delhi-110005.

APPEARANCES :

None for the Workman.

Shi A. K. Yadav for the Management.

AWARD

The Central Govt. in the Ministry of Labour vide its Order No. L-12012/309/90-I.R. (B-II) dated 15-1-91 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the Management of Bank of Maharashtra, Asstt. General Manager, Karol Bagh, New Delhi in not considering Smt. Sudesh Sharma, Part-time clerk for regular appointment on full time basis though working since 1974 is justified ? If not to what relief the workman is entitled to ?”

2. The workman Smt. Sudesh Sharma in her statement of claim alleged that he was appointed as part-time clerk at Bank's Connaught Place Branch vide Order dated 9-5-74. The appointment was upto 9-7-74 and the services were utilised thereafter also and she was confirmed as a part-time clerk. Being confirmed employee of the bank she was given all the privileges like Provident Fund, Gratuity, Bonus, Leave of all kinds, Leave Fare concession etc. The terms and conditions of the parties were covered as per provisions contained in Sastry Award and the Bipartite Settlement modified upto date. According to para 20.6 of the 1st Bipartite Settlement dated 19-10-66 the part time employees were to be given preference for filling up to full-time vacancies subject to banks recruitment rules, if any.

3. The workman approached the management for her absorption as full time permanent clerk in 1979 and the Divisional Manager Delhi and the Branch Manager recommended her request to the Central Office, but the workman was informed that her request could not be considered. No reason was given. The workman again requested the management to reconsider the decision which was again declined without assigning any reason without any reply during the period 1974 to date the management has only absorbed the then part time clerks working in different branches of Delhi as whole time permanent employee but recruited fresh hands who had not worked in any bank prior to the services put in by the workman. The names of such persons have been given by her in para 4 of her statement of claim. The request of the workman was not allowed by the management. Hence this reference for treating her as whole time permanent clerk, for giving her all benefits of the post of clerk with retrospective effect and

all benefits of seniority etc. The management alleged that she was appointed as part time statement writer only for a period of two months and this part time appointment was made under the recruitment policy of the bank prevalent at that time. This recruitment was done to give employment to needy students with the intention of helping students. On completion of their graduation services used to be terminated but in some cases some of the students were allowed to continue in service even after completion of service purely on humanitarian grounds. The workman did not disclose that she was graduate otherwise when the employment would have been terminated immediately and she would not be allowed to continue in service. The part time employees referred by the workman in her statement of claim were also liable to qualify and compete with other candidates in written examinations and interview. Then were to be given preference if all things were equal in their case and the persons competing with them. The applicant did not appear in any written examination and interview so she did not possess minimum qualification. Her claim for regularisation was not all justified.

4. The management examined Shri V. K. Gupta MW1 while the applicant-workman herself appeared as WW1. I have heard representative for the parties and have gone through the record. Both the representatives for the parties around on the points as stated in their respective pleadings.

5. On careful perusal of the points urged by the representative for the parties, I am of the considered opinion that on 12-10-78 the Board of Directors of the bank had passed resolution that a recruitment in the bank would be though the banking service recruitment board and after the constitution of this board of recruitments made by them would be honoured. The candidate should be below the age of 25 years and should be graduate with 45 per cent minimum marks. She had given the application for permanent absorption in 1979 and by that time this board had been constituted by the Government of India. Even prior to that the recruitment used to be on the basis of written test and interview. The workman never appeared for qualified in any written test or interview. Hence she could not be absorbed or permanent basis. The demand for making part time clerks as full time employee straight away was not legally justified. The workman representative has not been able to show how and under what provisions of any settlement she could be made permanent employee without intimation the process procedure laid down for recruitment of regular employees. In view of my discussion above, I am of the considered opinion that the action of the management was fully justified and the workman was not entitled to any relief. Workman was, therefore, not entitled to any relief on the basis of

statement of claim filed in this case, Parties are, however, left to bear their own costs.  
26th November, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1996

का.आ. 76.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेन्द्रल बैंक आफ इंडिया के प्रबंध तन्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंच-पट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/12/96 को प्राप्त हुआ।

[सं. एल-12012/313/93-आई.आर. (बी. II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 23rd December, 1996

S.O. 76.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on the 12-12-1996.

[No. L-12012/313/93-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. 20/94

In the matter of dispute between :

Shri Sanjay Kumar Joshi,  
S/o Shri Moti Lal Joshi,  
Shri Duria Mandir,  
Paharganj,  
Keecha Road,  
Rudrapur,  
District Nainital.

Versus

Zonal Manager,  
Central Bank of India,  
88-B, Civil Lines,  
Barcilly (U.P.).

APPEARANCES :

None for the workman.

Shri A. Hussain for the Management.



## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/313/93-L.R.B-2 dated 22-2-94 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India, Bareilly in terminating the services of Shri Sanjay Kumar Joshi Water Boy with effect from 15-12-1991 and providing him with the opportunity for permanent absorption as envisaged in the Approach Paper circulated by the Ministry of Finance in 1990 is justified? If not, what relief is the workman entitled to?"

2. The applicant in his statement of claim has alleged that he was appointed by the Central Bank of India Rudrapur Branch on 24-3-89 as class IV and he continuously worked upto 14-12-91. He had been working to the satisfaction of the management and management had been showing him as a daily rated worker though he was a regular employee. This act of the management was not justified and was in violation of the provisions of the I. D. Act. The thumb impression was obtained on forged papers and he was named in 19 different names for daily wages. All the names have been given by him in the statement of claim in para 7 and 8. The services of the workman were terminated illegally and he was entitled to the reinstatement with full back wages. The Management in its reply denied the allegations made in the claim petition. They alleged that the applicant was never appointed as Class IV employee and persons are appointed according to the procedure applicable to the organisation. The applicant was never appointed and the question of his termination did not arise at all. All the allegations made in the claim application were denied by the management. The workman did not appear on 15-10-95 or thereafter so was proceeded against exparte.

3. The management examined Shri Bishamber Dayal MWI on its behalf who filed the affidavit Ex. MWI/1. I have heard representatives for the management and have gone through the record.

4. The allegations made by the workman in his statement of claim do not stand established as neither the workman appeared as a witness nor filed any affidavit in support of its case. He did not appear even to cross-examine the witness of the management whose unchallenged testimony proves the management case. The allegations made by the workman that he served the management by 19 different names does not stand proved at all. There is no reason to discard the sworn testimony of the management witness who is responsible public servant being in the employment of the management bank. I, therefore, am of the view that the 3191 GI/96—10.

action of the management is fully justified and the workman applicant is not entitled to any relief whatsoever Parties are, however, left to bear their own costs.

26th November, 1996.

GANPATI SHARMA, Presiding Officer

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

26th November, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1996

का.आ. 77.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार का 12-12-96 को प्राप्त हुआ।

[संख्या: एन-12012/277/91-आई.आर. (बो-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 23rd December, 1996

S.O. 77.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on the 12-12-1996.

[No. L-12012/277/91-LR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 62 of 1992

In the matter of dispute :

BETWEEN

Paj Kumar Sahu,  
S/o Ram Bharsev,  
222/1 Ander Aligol Khirki.

Jhansi.

AND

Regional Manager,  
Punjab National Bank,  
Regional Office Jhansi.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/277/91 I.R. B-2 dated 26-3-92, has referred the following dispute for adjudication to this Tribunal.

Whether the action of the management of Punjab National Bank in terminating the services of Raj Kumar Sahu is justified? If not to what relief is the workman entitled to?

2. The concerned workman Raj Kumar Sahu was admittedly employed as peon on 22-12-88 in the Basi branch Lalipur of the opp. party Punjab National Bank on the basis of his being selected by a selection committee. Later on he was served with a chargesheet dated 4-8-89 by which he was alleged to be guilty of misconduct of suppression of fact that he had passed Intermediate whereas minimum qualification for peon was VIII class pass. One Mahesh Kumar was appointed as enquiry officer. After completing his enquiry he submitted chargesheet holding that this charge was proved. On the basis of this finding the punishing authority has dispensed with the services of the concerned workman. Feeling aggrieved the concerned workman raised an industrial dispute in which he had question the fairness and propriety of domestic enquiry. The management had denied this fact hence a preliminary issue regarding fairness and propriety of domestic enquiry was framed. This tribunal vide finding dated 18-6-86 held that enquiry was properly and fairly held. Thereafter the parties were heard on the question of quantum of punishment.

3. Indeed it is established to the hilt that the concerned workman had suppressed the fact regarding his educational qualification at the time of seeking employment. Certainly this suppression of fact is a misconduct. However, in my opinion, it is, not such misconduct which may be visited with extreme penalty of removal from service. Reference may be made to the case of Man Pool Singh versus Union of India, 1994 (69) FLR 419 in which Hon'ble High Court of Allahabad had held that where a candidate had entered into service for which he is over qualified and by suppressing the same still extreme penalty should not be awarded. Following the principle laid down in this case, I am of the opinion, that in the instant case awarding of punishment by way of removal from service is disproportionate to this misconduct. It will meet ends of justice if the concerned workman is given fresh

appointment within one month from the date of publication of award without back wages. I award accordingly.

2-12-96.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1996

का. आ. 78.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अविकरण मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-96 को प्राप्त हुआ था।

[संख्या एल-12012/183/93-आई आर (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 30th December, 1996

S.O. 78.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of R.B.I. and their workman, which was received by the Central Government on the 16-12-96.

[No. L-12012/183/93-IR(B-1)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT:

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-87 of 1993

PARTIES:

Employers in relation to the management of Reserve Bank of India.

AND

Their Workmen

APPEARANCES:

For the Management—Shri P. S. Bindra.

For the Workman—Shri R. A. Ahirrao

STATE : Maharashtra

Mumbai, dated the 31st day of October, 1996

AWARD

The appropriate Government has referred the following dispute for adjudication to this Tribunal :

"Whether the management of the Reserve Bank of India is justified in taking action as indicated in their letter No. NG. CY. No. 7610/15.15/92-93 dated 1-4-92 addressed to Shri V. A. Joshi, Coin Note Examiner Grade II? If not, to what relief the workman is entitled?"

2. The admitted facts of the case are as follows. Shri V. A. Joshi Coin Note Examiner, serving under the Reserve Bank of India at Nagpur was deputed to accompany the Bank's Coins Remittance to Government of India Mint, Bombay on 21st October, 1992. He left Nagpur on 21st October and reached Government Mint Bombay on 23rd October at 13.30 hrs. He was relieved from Government Mint Bombay the same day at 18.00 hrs. He did not proceed to Nagpur that night but had an overnight stay at Bombay and left Bombay for Nagpur by Train on 24-10-92 at 6.05 hrs. by IInd class. He reached Nagpur the same evening at 20.00 hrs. He submitted his T.A. bill and claimed Railway Fare difference between IInd and 1st class, the class in which he was entitled to travel on the ground that it was not possible for the workman to travel by the first available train from Bombay to Nagpur on 23-10-92. This first available train was an express main leaving V.T. station of Bombay at 20.15 hrs. However, the management rejected the claim of the workman for difference in Railway fare for the journey performed by IInd class and fare for 1st class, to which the workman was entitled under para 8.18 of the Arbitration Award of Justice Venkata Rama Aiyer. The workman approached even the Chief Manager of the Bank but he too summarily rejected the claim.

3. Aggrieved, the Reserve Bank Employees Association, Nagpur, took the matter to conciliation. However, the conciliation failed and consequently the appropriate Government referred the dispute to this Tribunal for adjudication.

4. The Union filed its claim on 31-1-1994 by post. On the aforesaid facts and interalia proved that this Tribunal may 'pass' an order directing the Bank to settle the claim of the workman of Railway difference between 1st and IInd class from Bombay to Nagpur amounting to Rs. 344 (approximately).

5. The claim has been resisted by the Bank by filing a detailed reply dated 30-8-1994 on a number of grounds. It admitted that paragraph 8.18 of the Aiyar Award was applicable and the workman had to satisfy that the conditions of the said paragraph were satisfied. It was pleaded that the conditions laid down by the said paragraph of the Aiyar Award and by certain circulars of the Bank had not been fulfilled by the workman and hence his claim was rejected. No rejoinder was filed by the union.

6. The union relied upon certain documents in support of its claim that workman had fulfilled the conditions laid down by the said paragraph of the Aiyar Award. In addition, it filed affidavit of the workman, who was cross-examined by the representative of the management. The management filed affidavit of one Arun Banodli who was cross-examined by the representative of the union. The management also relied upon certain documents.

7. I have heard the learned representatives of both the sides and have perused the record carefully.

8. Paragraph 8.18 of the Aiyar Award, which governs the payment of difference of Railway fares, as claimed in the present case, has been placed as Ex. E to the affidavit of the workman and is as follows:

"The payment of the fare for the higher class when the employee travels in a lower class whether it is because there is no such class in the train by which he travels, or that class being there there is no accommodation therein, is really in the nature of compensation and cannot be equated with profits, and must be allowed. And it makes no difference whether the employee is the Coin Note Examiner or any other employee travelling on duty.

It must however be made clear that when an employee makes a claim for fare of a higher class while in fact he travels in a lower class, it is for the Bank to satisfy itself that such travel was necessitated by causes beyond the control of the employee, and it is only then that the higher fare would be admissible."

9. The second part of this paragraph is vital for the adjudication of the dispute and it has to be seen if the workman travelled by the lower class next day because he could not have travelled on 23-10-92 by the first available train leaving Bombay at 20.15 hrs. for reasons beyond his control.

10. The workman was admittedly relieved on 23-10-92 at 18.00 hrs. and the first train that day for Nagpur was available from V.T. station. It was conceded before me that V.T. station at Mumbai is a short distance from the Bombay Mint. The workman in his T.A. claim or his representation Ex. B or in his statement of claim, did not mention that after being relieved from the Mint, he had gone to V.T. station to ensure a reservation for himself by the train leaving at 20.15 hrs. He mainly relied upon a letter Ex. A dated 19-10-92 that it was not possible for the Bank at Nagpur to obtain a reservation for the workman on his return journey on any train leaving Bombay on 23-10-92. By this letter the Bank had simultaneously advised the workman to arrange for his return reservation on Bombay.

11. The workman has for the first time in his cross-examination dated 19-6-96 has come out with the following version catelooning the reasons why he could not obtain reservation for the return journey on 23-10-92. He has stated.

"It was required to perform return journey to Nagpur on 23rd October 1992 by Bombay Hawrah Mail leaving Bombay at 20.15 hrs. After being relieved from the Mint at Bombay, I went to Victoria Terminus Station. I reached V.T. within 15 minutes. At the station, I saw the electronic board indicating that no room was available in Bombay Howrah train. I did not go to the

Station Superintendent but went to the enquiry counter. This is correct that the fact of my going to V.T. and going to enquiry counter is not mentioned in my affidavit. The fact that I had gone to V.T. station on 23-10-92 is not at all mentioned in my statement of claim. This is also not mentioned that I saw the electronic Board about there being no room or that I had gone to the enquiry counter.

I did not go to the current booking window of the V.T. station that day. I am aware that even in night trains, there are last minute cancellations of tickets already booked. I had gone to see the reservation chart and had seen the wait list position but now I have forgotten the correct position. I did not mention in the statement of claim or in the affidavit that I had seen the waitlist position on the reservation chart.

I did not purchase that day ticket for Nagpur by the Howrah mail due to rush.

12. Now, this statement reveals that the stand taken by the workman is obviously an afterthought. The never took the aforesaid stand either in his T.A. Bill or in his correspondence with the Bank or even in his written statement of claim or even in his affidavit.

The truth appears to be that the workman on being relieved from the Mint straight away went by Taxi to Bandra as admitted in his cross-examination and disclosed in his T.A. bill. He on being confronted by a xerox copy of his T.A. Bill, stated as follows :

"I have seen xerox copy of my T.A. claim. In this, I claimed taxi charges from Mint to my Bandra residence. I did not mention the fact of going to V.T. station in my T.A. Bill."

13. However, it appears that since he had letter Ex. A in his possession, he did not make any efforts at all to go to V.T. station and secure ticket or reservation by the train leaving 23-10-92 at 10.15 hrs. of course, in all fairness to the workman, he in a general way mentioned the following fact in Ex. B at page 2.

"On my relief from Government of India Mint, Bombay on 23rd October 1992 at 18.00 hrs. it was not possible for me to travel by the 1st available train i.e. Bombay-Howrah Mail leaving Bombay at 20.15 hrs. The Bombay V.T. station displayed on the electronic reservation system that no room was available by 1st Class by any train. Railways do not issue no room certificate under such circumstances particularly when a traveller does not hold 1st class ticket."

But this statement does not indicate any effort or attempt made by the workman in securing any accommodation in Bombay-Howrah Mail on 23-10-92 or even his personally visiting the V.T. station to do the needful.

14. Rather in Ex. B, he mentions an altogether different reason for not undertaking a journey by the first available train. He states:

"The two day's constant onward journey completely exhausted me physically for undertaking return journey immediately.

I took overnight rest and performed return journey by 2859 Gitanjali Express leaving Bombay V.T. at 6.05 hrs. on 24th October 1992. It being a day journey seating reservation could be procured by me by the same Train."

15. Upon the evidence led by the union, the union has failed to satisfy that the workman was prevented from undertaking return journey on 23-10-92 by Bombay Howrah Mail for reasons beyond his control. When it is so, the claim has no merit and is rejected. In the circumstances of the case, costs are made easy.

R. S. VERMA, Presiding Officer.

नई दिल्ली, 30 दिसम्बर, 1996

का. आ. 79.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-12-96 को प्राप्त हुआ था ।

[संख्या एल-12012/258/93-आई आर (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 30th December, 1996

S.O. 79.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Reserve Bank of India and their workman, which was received by the Central Government on 16-12-1996.

[No. L-12012/258/93-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI.

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.  
REFERENCE NO. CGIT-1/32 OF 1994.

PARTIES :

Employers in relation to the management of Reserve Bank of India.

AND

Their Workmen.

APPEARANCES :

For the Management : S/Shri P. S. Bindra & M. R. Soman.

For the Workman : S/Shri A. D. Deshpande & P. V. Indurkar.

ETATE : Maharashtra.

Mumbai, dated the 31st day of October, 1996.

### AWARD

The appropriate Government has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Reserve Bank of India in not accepting the birth certificate issued by Nagpur Municipal Corporation and Maru Seva Sangh, Nagpur, for change of date of birth from 1-6-1959 to 19-7-1960 in respect of Shri Ishwar F. Amarnani, Typist, is legal and justified? If not, to what relief the workman is entitled?"

2. The facts which are not disputed before me are that the workman Ishwar F. Amarnani entered the service of the Reserve Bank of India in September, 1982. On the basis of a Secondary School Certificate (Ex. M-2) wherein his date of birth had been recorded as 1-6-1959. In the staff application for Ex. M-1 also he declared his date of birth as 1-6-1959. The workman also obtained an insurance policy on his own life, wherein also he declared his date of birth as 1-6-1959.

3. The case of the workman is that sometime in the year 1991, he found his Janamkundali in his family records where in his date of birth was shown as 19-7-1960. This date of birth was confirmed by his father. He, therefore, applied for certificates of birth to Matru Seva Sangh Hospital, Nagpur and to Nagpur Municipal Corporation. In both the institutions, his date of birth was recorded as 19-7-1960 vide Ex. A & Ex. B. Armed with this documentary evidences, the workman approached the Maharashtra State Board of Secondary Education for correction of his date of birth in the original certificate issued to him. But, the said Board vide Ex. E refused to make the said correction on the ground that more than three years had elapsed since issue of the certificate. The workman also requested the Principal of Mahatma Gandhi Centennial School, where he had studied, for correction of the date of birth in his School Leaving Certificate but the said Principal also declined to make the requisite correction vide Ex. F.

3. The case of the workman is that he had meanwhile applied to the management on 24-6-1991 for correction of his date of birth in his service record vide Ex. C and Ex. G duly supported by copy of the Janamkundali and the certificates issued by Matru Seva Sangh Hospital and Municipal Corporation, Nagpur. The workman also submitted his own affidavits also in support of the claim with Ex. G but the management declined to make the requisite correction vide letter Ex. H.

4. These requests of the workman were turned down by the management vide communication Ex. H. The workman went in appeal against this order

vide Ex. I to the Governor, Reserve Bank who also dismissed the appeal vide Ex. J.

5. The case of the workman is that the matter was taken into conciliation through the union viz. The Reserve Bank Employees Association, Nagpur but the conciliation resulted in failure and the appropriate Government referred the dispute to this Tribunal as noticed already.

6. The union filed its claim on 30-6-1994 by post inter alia directing the Bank to correct the date of birth of the workman to 19-7-1960 instead of 1-6-1959. It also prayed for directing the Bank to fix a legitimate policy for deciding correct date of birth.

7. The management of the Bank resisted the claim of the union and inter alia pleaded that the union was not entitled to espouse the case of the workman. It also pleaded that no case for correction of date of birth in service record of the workman was made out. It filed a detailed reply to the statement of claim on 14-10-1994. The union filed its rejoinder on 25-11-1994.

8. Both the parties have adduced documentary evidence as also oral evidence, reference to which shall be made at the appropriate stage, so far it is relevant for deciding the dispute.

9. I have heard the parties at length and have perused the record carefully.

10. First thing which strikes me in this case is that the workman's date of birth during his schooling was declared as 1-6-1959. It was on this basis that his School Leaving Certificate and certificate of Higher Secondary Examination issued by the appropriate Board, decided his date of birth as 1-6-1959. It was on this very basis that he entered the service of the Bank, declaring his date of birth as 1-6-1959.

11. Not only this, the workman admitted that he had taken an insurance policy on his life wherein he had declared his date of birth as 1-6-1959.

12. However, all of a sudden the workman came out with a case that sometime in 1991, he in his family papers discovered a 'Janamkundali' reciting his date of birth as 19-7-1960. Now, this story of the workman could have been best corroborated by examining his mother and father, who are admittedly alive and could have thrown true light on the matter. Both these important witnesses have been withheld by the union. Curiously, the original Janam Kundali has not been produced and only a xerox copy has been filed. The author of the Janamkundali was the best witness, but he too has not been examined. Admittedly, the parents of the workman are educated yet they were not examined to prove that a Janamkundali was not prepared by them or by anyone of them or by any other person under the directions of any one of them. Hence, I am not prepared to place any reliance on the authenticity of the said Janamkundali, the original of which has not been produced.

13. On behalf of the workman, the union placed great reliance on Ex. A and Ex. B, the xerox copies

of two birth certificates. Ex. B is the xerox copy of a certificate issued by Matru Seva Sangh, Mahal Maternity Home, Nagpur-2 certifying that a male child was born to Lilawati F. Amarnani w/o. Mr. Fateh Chand on 19-7-1960 at 8.20 a.m. The certificate appears to have been issued on 15-11-1991. Now, it is difficult to connect this certificate to the workman in as much, the workman has three more brothers. The youngest brother is said to be Revachand or Rajesh. The parents of the workman could alone have clarified if Ex. B pertained to the birth of the workman or to the birth of his younger brother. Secondly, this certificate, issued on 15-11-1991 does not inspire any confidence. The best evidence in this regard could have been the xerox copy of the entries made in the Register of births of the said hospital contemporaneously.

14. Now, I may refer to Exhibit A. It has been issued on 27-5-1991. Ex. A is no the copy of the entries made in the record of the Municipal Corporation contemporaneously but purports to be a certificate, not issued contemporaneously but on a much later date. It mentions the name of the father as Ferechand Ramchand and not Fatechand Ramchand Amarnani. There is nothing on the record to connect the workman with these two certificates. At cost of repetition, I would state that the parents of the workman could have been the best witnesses to prove that Ex. A and Ex. B pertained to the birth of this workman and not to any other child of Fatechand.

15. I may state that when an entrant to a service, declared his date of birth supported by a Secondary Board Examination Certificate but at a later date contends that the date of birth had been declared incorrectly by him on the earlier occasions, he must lead irreputable evidence to support his contention, he must adduce the best available evidence and should not withhold the same. He must satisfactorily explain the delay in making the application for correction. In the present case, this has not been done, either before the management or before this Tribunal. Hence, I hold that the management was justified in rejecting the belated application of the workman for correction in his recorded date of birth.

16. Since the case proceeds on its own facts and the appropriate Government has not referred the question of laying down a policy by the Bank in such matter, I am not required to decide this point.

17. In the result, I find that the workman is not entitled to any relief and the reference is answered against the union and in favour of the management. No order as to costs. Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1996

का.आ-80-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे इलाहाबाद के प्रबंधन के संबंध

नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-96 को प्राप्त हुआ था।

[संख्या एल-41012/3/91-आ आर (डीयू)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 30th December, 1996

S.O. 80.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Allahabad and their workman, which was received by the Central Government on 23-12-1996.

[No. L-41012/3/91-IR(DU)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR, KANPUR.

Industrial Dispute No. 155 of 1991

In the matter of dispute between

Vice President,  
Uttar Railway Karmchari Union,  
2 Naveen Market,  
Kanpur.

AND

Divisional Railway Manager,  
Northern Railway,  
Allahabad.

#### APPEARANCE

Shri D. N. Tawari for the workman.

Shri Hamid Quraish for the Management.

#### AWARD

1. Central Government, Ministry of Labour New Delhi vide is Notification No. L-11012/3/91-IR (D.U) dated 25-9-91 has referred the following dispute for adjudication to this tribunal:—

Whether the action of the D.R.M., Northern Railway, Allahabad in terminating the services of Shri Nepal Singh, S/o Harvilash casual labour under PWI/Aligarh w.e.f. 10-1-85 is justified? If not, what relief the concerned workman is entitled to?

2. The concerned workman has alleged that he was engaged as casual gangman on 5-12-89 under P.W.I. N. Rly. Aligarh. His service card Number is 92817. He acquired temporary status on 20-2-70. He continued to work under various authorities. On 8-1-85 he was sent for medical examination for B-1 category. He was not found fit. Hence the railway dispensed with his service w.e.f. 10-1-85. It is submitted that if he was unfit for B-1 category, he should have been medically examined for C-1 and C-2 category for getting inferior post. His services could not be legally terminated.

3. The opposite party has filed reply in which it was alleged that concerned workman was rightly removed from service as he was not found fit for the job. Nothing has been said as to why the concerned workman was not medically examined for C-1 and C-2 categories.

4. In the rejoinder nothing new has been said.

5. From the above pleadings of the parties it is obvious that the concerned workman was not found medically fit for B-1 category. In my opinion the opposite party railway is justified in not providing work to the concerned workman. Any how I am further of the view that the railway ought not have kept quite. Rather they ought to have sent him for further medical test. Para 2007(4) (b) of Indian Railway Estt. Manual will be relevant. It lays down when a casual worker is found medically fit for a particular category, his case may be considered for alternative category requiring a lower medical classification subject to their suitability for alternative category being adjusted by the screening committee. The opposite was not complying with this provision.

6. Hence my award is that termination of Nepal Singh w.e.f. 10-1-85 is not justified, and he will not be entitled for reinstatement. Any how, I would direct the opposite party railway to take steps for giving him alternative job in the manner as prescribed in para 2007(4)(b) of Indian Railway Estt. Manual.

**B. K. SRIVASTAVA, Presiding Officer**

नई दिल्ली, 30 दिसम्बर, 1996

का. भा. -81—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे लखनऊ के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-96 को प्राप्त हुआ था।

[संख्या एल-41012/146/89-आई आर (डीयू)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 30th December, 1996

S.O. 71.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway Lucknow and their workman, which was received by the Central Government on 23-12-1996.

[No. L-41012/146/89-IR(DU)]  
P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 205 of 1990

In the matter of dispute between :

Divisional Secretary,  
Uttar Railway Karamchhari Union,  
96/196 Roshan Bajaj Lane,  
Ganeshganj,  
Lucknow..

AND

Senior D.S.O.  
Northern Railway,  
Hazratganj,  
Lucknow.

#### APPEARANCES :

Sri D. P. Awasthi for the workman.

Sri Hamid Qureshy for the management.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-41012/146/89-I.R.D.U. dated 24-9-90, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of Sr. D.S.O. Northern Railway Lucknow in imposing the penalty of stoppage of increment for a period of three years w.e.f. 1-10-87 to Shri O. P. Sharma, ASM, Adhampur is justified? If not, what relief the workman concerned is entitled to?

2. The concerned workman O. P. Sharma was working as ASM at Adhampur Northern Railway. He was issued a chargesheet by the opposite party for submitting forged duplicate overtime bill for the period from 15-4-84 to 13-4-85. The concerned workman submitted his reply on 15-1-87. After considering his reply by order dated 20-2-87 passed an order for stoppage of increment for the period three year w.e.f. 1-10-87. Feeling aggrieved the concerned workman has raised the instant industrial dispute. It has been alleged that he had not indulged in forging of overtime bills. It was the

duty of Station Master and not his. Hence he has been wrongly punished.

3. The opposite party has filed reply in which it was alleged that the concerned workman who had committed this forgery and has been rightly punished.

4. In the rejoinder nothing new has been said.

5. I have gone through the record and I am of the view that enquiry master has not been properly conducted by the management. In the first place the chargesheet dated 31-12-86 itself is vagued. The particulars of documents which are alleged to have been forged have not been given in it. On the absence proper defence could not be made. Further the punishment order shows that the punishing authority after observing that representation has been considered came to the conclusion that charges were proved and that representation was not satisfactory. In my opinion it is not the proper way for holding charges proved. Specified reasons have to be given why representation was not satisfactory. In its absence it is not a speaking order. It is well settled law even administrative authority while passing order adversely affecting, rights of the employee has to pass speaking order which is in consonance of principle of natural justice. As the impugned order suffers from informity as mentioned above. Hence my award is that the action of opposite party in order for stoppage increment for period of 3 years w.e.f. 1-10-87 against the concerned workman is not justified.

6. Accordingly the concerned workman will be entitled for difference of wages as if the punishment was not concerned. Workman will get as cost Rs. 100 from the management.

7-11-1996.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1996

का.आ.—82—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे इलाहाबाद के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-96 को प्राप्त हुआ था।

[संख्या एल-41011/31/92-आई.आर./ (डीयू)]

पी.जे. मार्शल, डेस्क अधिकारी

New Delhi, the 30th December, 1996

S.O. 82.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award

of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Northern Railway Allahabad and their workman, which was received by the Central Government on the 23-12-96.

[No. L-41011/31/92-IR(DU)]

P. J. MICHAEL, Desk Officer

### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD, PANDU NAGAR,

### KANPUR

Industrial Dispute No. 60 of 1993

In the matter of dispute between :

President,  
Rashtriya Chaturth Sherni Rail Mazdoor Congress,  
2/236, Namnair Agra.

AND

D.S.T.E.  
Northern Railway,  
Allahabad.

Appearance :

Shri Surender Singh for the workman.

Shri Hamid Quraisi for the Management.

### AWARD

1. Central Government, Ministry of Labour New Delhi vide its Notification No. L-41011/31/92 dated 18-8-93 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of D.S.T.E. Northern Railway Allahabad in terminating the services of Shri Rajaram, S/o Sh. Kishanlal, casual Khalasi and Shri Charan Singh S/o Ram Chandra, casual khalasi w.e.f. 15-6-89 and 8-10-89 respectively [who were working under S.I. (West) Thundla] is justified? If not what relief the workman concerned are entitled to?”

2. This reference related to Raja Ram and Charan Singh. It is not necessary to narrate pleadings of the parties. Suffice it to say that these two very workmen had raised Industrial Dispute No. 108/93 alongwith several other workmen. The same was answered against the workmen on 27-8-96 and has been published on 24-2-96. Thus the right of these two workmen have already been adjudicated. The same rights



can not be adjudicated in the present reference because of bar of principle of res-judicata.

3. Hence my award to the reference against the workmen and they are not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 दिसम्बर, 1996

का.आ. 83.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक कानपुर के प्रबंधन के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-12-96 को प्राप्त हुआ था।

[संख्या एल-12012/67/94-आई.आर. (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 30th December, 1996

S.O. 83.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Kanpur and their workman, which was received by the Central Government on the 23-12-96.

[No. L-12012/67/94-IR(BI)]

P. J. MICHAEL, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 82 of 1995

In the matter of Dispute :

#### BETWEEN

Girish Chand Shukla, 37/31, Ram Narain Bazar, Kanpur

#### AND

Chief Manager, State Bank of India, Main Branch Mall Road, Kanpur.

#### APPEARANCE :

Workman in person

Shri S. N. Sharma for the Management

#### AWARD

1. Central Government, Ministry of Labour New Delhi vide its Notification No. L-12012/67/94-I.R.(B-I), dated 10-7-95 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Chief Manager, S.B.I., Mall Road, Kanpur in denying employment to Shri Girish Chand Shukla sub-staff w.e.f. 16-12-84 is justified ? If not what relief the workman is entitled to ?

2. The concerned workman Girish Chand Shukla has alleged that he was appointed as a daily rated worker in Sub-Stag cadre in the main branch Kanpur of opposite party from 1979 upto 15-12-84. There after an interview for candidates who had worked for short period was taken on 16-9-85 and his Roll Number was 38. So far he has not been informed. However on 11-11-91 he was informed that he will be informed about result later on. Still his result has not been declared. His retrenchment in violation of Section 25G and H I.D. Act. Hence it is bad in law.

3. The opposite party has filed reply in which it is alleged that concerned workman was not found fit in the interview and there has no breach of Section 25G and H I.D. Act.

4. In the rejoinder nothing new has been said.

5. The concerned workman has given his evidence as W/W(1). However he could not prove that at the time of retrenchment juniors was retained or fresh hand was appointed. Hence for want of proof it is held that there has no breach of Section 25-G and H I.D. Act.

6. The management has also filed copy of letter to show that he has not been selected by any committee. Hence he has got no rights whatsoever.

7. In the end my award is that the management is justified in not providing employment to the concerned workman. Hence he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

